



NATIONWIDE PERMIT 12—UTILITY LINE ACTIVITIES UPDATE FACTSHEET

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States (WOUS), provided the activity does not result in the loss of greater than 1/2-acre of WOUS for each single and complete crossings. A Pre-Construction Notification to the U.S. Army Corps of Engineers (Corps) may be needed.

Updated 2017-2021 Nationwide Permit Program:

The Corps issues Nationwide Permits (NWP) to authorize activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 that will result in no more than minimal individual and cumulative adverse environmental effects. The new NWP program will begin on March 19, 2017 and will extend through 2021.

Current activities authorized by the 2012 NWP remain authorized until March 18, 2017. Activities authorized by the 2012 NWP that have commenced or are under contract to commence by March 18, 2017, will have one year (i.e., until March 18, 2018) to complete those activities.

Anticipated Changes to NWP 12—Utility Line Activities:

- The Corps is proposing to modify the “utility lines” paragraphs to clarify that the Corps authorizes only those components of utility lines where the construction, maintenance, or repair involves activities regulated under its jurisdictional authority (i.e. discharges of dredges or fill material into WOUS). Some excavation activities do not require Section 404 authorization.
- The definition of “utility lines” will now include lines, such as optic cables, that communicate through the internet.
- This NWP would now authorize discharges of dredged or fill materials into Section 404 waters, and structures and work in Section 10 waters, necessary to remediate inadvertent returns of drilling muds (also known as “frac-outs”) that can occur during directional drilling operations to install utility lines.
- Linear projects crossing single or multiple waterbodies several times at separate and distant locations, each crossings is now considered a single and complete project for NWP authorization.

For more information please visit our website: www.coxmclain.com

AUSTIN
512.338.2223

HOUSTON
713.338.3470

IRVING
469.647.4866

TULSA
918.986.1717