

August 1, 2016

BY ELECTRONIC SUBMITTAL: www.regulations.gov

U.S. Army Corps of Engineers
Attn: CECW-CO-R
441 G Street NW
Washington, DC 20314-1000

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**Re: Comments of the Texas Industry Project
on the Proposal to Reissue and Modify Nationwide Permits;
Docket No. COE-2015-0017; RIN 0710-AA73**

Dear Sir or Madam:

The U.S. Army Corps of Engineers (“Corps”) has invited public comments on its proposal to revise the existing nationwide permits (“NWP”), NWP general conditions, and definitions (subject to certain modifications), and also to create two new NWPs and one new general condition. 81 Fed. Reg. 31,186 (Jun. 1, 2016). The Texas Industry Project (“TIP”) appreciates this opportunity to comment on the proposed rule. TIP consists of sixty-four companies in the chemical, refining, oil and gas, oilfield services, electronics, forest products, terminal, electric utility, transportation and national defense industries with operations in Texas. TIP supports many of comments made by the American Petroleum Institute (“API”) and The Cross-Cutting Issues Group (“CCIG”), a project of the Class of ’85 Regulatory Response Group consisting of a group of electric generating companies with a diverse portfolio of generating assets located throughout the country.

As a general matter, TIP supports the Corps’ use of nationwide permits to streamline authorizations for certain activities with only minimal environmental effects. Consequently, TIP urges the Corps to adopt expanded thresholds for the NWPs, as detailed by CCIG, in light of the significant and myriad pressures that TIP members and others are experiencing to construct and support diversified energy infrastructure. Expanding the NWP thresholds would relieve some burden on the Corps’ resources while continuing to meet the Clean Water Act’s goals and mandates.

The stayed Clean Water Rule is not the sole--or even the primary--rationale for expanding the NWP thresholds. Rather, a variety of regulatory and other forces are driving the demand for new infrastructure, and, to accommodate this demand efficiently and effectively, TIP members and others will increasingly need to rely upon streamlined permitting programs like the NWPs. Should the Clean Water Rule become effective, however, TIP, like API, urges the Corps to reopen the NWP program for additional comment so that those who rely upon NWPs may help the Corps ensure “that the NWPs continue to meet their intended purpose of providing a streamlined authorization process for activities resulting in no more than minimal individual and cumulative adverse environmental effects.” 81 Fed. Reg. at 35,191.

TIP appreciates your consideration of these comments. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sam Broadway", with a long horizontal flourish extending to the right.

Samia Broadway