



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

For Release: February 15, 2012

Contact:

Doug Garman, 202-761-1807

doug.m.garman@usace.army.mil

Gene Pawlik 202-761-7690

eugene.a.pawlik@usace.army.mil

Army Corps of Engineers Revises and Renews Nationwide Permits

WASHINGTON (February 15, 2012) – The U.S. Army Corps of Engineers (USACE) announced today revised and renewed nationwide permits necessary for work in streams, wetlands and other waters of the United States under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The permits are necessary to replace existing permits, which expire on March 18, 2012. The new NWPs will take effect March 19, 2012.

These new nationwide permits will be published in the Federal Register on or about February 21, 2012 and have been posted to the USACE Web site at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>

“Our goal in developing and authorizing nationwide permits every 5 years is to update them, and provide clarity and certainty for the regulated public while protecting the aquatic environment. Our Nationwide Permit procedures will save the regulated community and the government time and cost on proposals with no more than minimal environmental effects,” said Maj. Gen. Michael J. Walsh, U.S. Army Corps of Engineers, Deputy Commanding General for Civil and Emergency Operations. “We believe the set of nationwide permits being announced today encourages innovation and ensures consistency and predictability in meeting the challenges of protecting America’s wetlands and aquatic resources.”

The updated permits being announced today streamline the requirements of the Clean Water Act, and are informed by extensive feedback from the public and key stakeholders. The Corps is reissuing 48 permits and adding two new ones. These permits provide expedited review of projects that have minimal impact on the aquatic environment. Categories of activities that may be covered under these NWPs include linear transportation projects, bank stabilization activities, residential development, commercial and industrial developments, aids to navigation and certain maintenance activities.

The two new nationwide permits provide an appropriate mechanism for quickly evaluating land-based and water-based renewable energy proposals in support of the Administration’s clean energy initiatives. Notification requirements and impact limits have been revised for some permits to provide greater national consistency and foster making timely decisions for the regulated community. Effective decisions will be enhanced by interagency coordination on certain activities while continuing to maintain an expeditious process for all permit evaluations. All improvements, additions, and revisions to the package are consistent with our commitment to evaluate minor activities efficiently, while ensuring appropriate environmental protection for our nation’s aquatic resources.

Most of the nationwide permits being announced today have no major changes from 2007, the last time the nationwide permits were authorized in accordance with the law.

USACE division commanders may add, after public review and consultation, regional conditions to nationwide permits in order to protect local aquatic ecosystems such as fens or bottomland hardwoods, or to minimize adverse effects on fish or shellfish spawning, wildlife nesting or other ecologically critical areas. Division and district commanders are also charged with ensuring appropriate coordination and consultation occurs with federally-recognized American Indian and Alaska Native governments.

Here are some highlights of the revised and new nationwide permits:

The Corps reissued 48 existing permits and added two new ones.

NWP 21 – The NWP 21 for Surface Coal Mining Activities is revised to impose new limits on stream impacts that may be authorized, consistent with the other NWPs, and prohibits valley fills under this NWP. This updated permit was based on extensive feedback from the public and key stakeholders and leverages important flexibilities while also taking steps to protect wetlands. Updated permits will only be necessary for new or expanded activities. Operators that relied upon previously verified surface coal mining authorizations, but have not yet completed work in waters of the U.S., may request re-verification under the 2012 NWP 21 of all previously authorized activities.

NWP 48 – The NWP 48 for Existing Commercial Shellfish Aquaculture Activities is revised to provide greater flexibility in its use. For example NWP 48 now incorporates provisions that authorize activities that are consistent with other federal/state/tribal and local regulatory authorities. Incorporating these already authorized activities will reduce the number of activities that require review by individual Corps districts.

NWP 51 – This new NWP covers Land Based Renewable Energy General Facilities including facility construction, expansion or modification, including attendant features.

NWP 52 – This new NWP 52 covers Water Based Renewable Energy Generation *Pilot Projects* including water based wind or hydrokinetic proposals.

Renewable energy facilities on both land and water may also continue to make full use of existing general permits to the full extent that they have previously done so.

*****Attention Editors: USACE officials will hold a teleconference today at 12 p.m. eastern time to address questions from the media. Interested media should call: 1-800-683-4564, access code: 947107.**

Additional information about the USACE Regulatory Program can be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>.