

Reference: RGL 84-15

Subject: NATIONWIDE PERMIT 26

Title: NATIONWIDE PERMIT 26--DESIGNATION OF CLASSES OF DISCHARGES & CATEGORIES OF WATERS OF CONCERN

Issued: 09/18/84 Expires: 12/31/86

Originator: DAEN-CWO-N

Description: SPECIFIES PROCEDURES FOR COMPLIANCE WITH 33 CFR 330.7 IN DESIGNATING AND REPORTING WORK IN AREAS OF SPECIAL CONCERN TO RESOURCE AGENCIES.

1. The district engineer should review the designations of classes of discharges and categories of water in accordance with 330.7(c)(1) and determine if additional information is necessary in order for him to identify clearly the discharges and waters intended to be covered. If further information is necessary, he should notify the agency and request the additional information. When the designations have been clearly identified, the district engineer will furnish a copy of the designations to the division engineer.
2. It is our understanding that designations will be workable. If in the judgment of the district engineer the designations will cause management problems (such as the designation of an entire state or discharges into all wetlands) that cannot be resolved locally, an information paper with copies of all back-up correspondence should be furnished thru the division engineer to USACE ATTN: DAEN-CWO-N.
3. District engineers are encouraged to develop procedures for receiving agency comments which are furnished in accordance with 33 CFR 330.7(c)(1). This should be accomplished in consultation with the agencies and should provide for maximum use of telephonic and electronic mail systems. The internal and interagency procedures must allow sufficient opportunity for both the agencies to comment and the division engineer to reach his decision and convey the decision to the applicant within the 20 day time period. The 20 day time period includes weekends and holidays. Emphasis must be placed on prompt and specific responses within the designated times.
4. Where written comments are received from one or more resource agencies stating that the discharge may result in more than minimal individual or cumulative adverse environmental impacts, and the division engineer's decision is that there will not be more than minimal adverse impacts, he will respond to the agency's written points as required in paragraph 330.7(d). Paragraph 330.7(d) does not require division engineers to address

additional or more detailed comments received from an agency after the decision has been made and communicated to the applicant.

5. Upon receipt of informal notice from the division engineer of his decision, the district engineer will contact the applicant by telephone, if possible, or by the fastest reasonable means otherwise available to inform him of the decision on his notification. This contact should be followed by written confirmation of the decision, forwarded on the same day if at all possible, with a brief statement of the reasons for the decision.

FOR THE CHIEF OF ENGINEERS: