



**US Army Corps  
of Engineers®**  
Wilmington District

## PUBLIC NOTICE

**Issue Date: February 14, 2007**  
**Comment Deadline: Not Applicable**  
**Corps Action ID: SAW-2006-41003-5NC**

### **NATIONWIDE PERMIT REISSUANCE – Key Dates and Timeframe for Transition to New Permits for Applicants and Permit Holders**

This Public Notice provides applicants and current permit holders with the critical dates and timeframes for transition from the 2002 Nationwide Permits to the 2007 proposed Nationwide Permits (NWP) authorized for the Wilmington District currently in final internal review.

#### Background:

Activities authorized under NWPs consist of small, low impact projects permitted under Section 404 of the Clean Water Act, Section 10 of the Rivers & Harbors Act, and/or Sec.103 of the Marine Protection, Research & Sanctuaries Act. NWPs allow a streamlined process for permitting minor activities with “no more than minimal individual and cumulative adverse effects on the aquatic environment.” More complex applications undergo a much more lengthy review with a Public Notice. NWPs are not announced via public notice. The majority of Corps permits are authorized by General Permits, such as NWPs, that require a lesser amount of review than an Individual Permit.

In the 2007 re-authorization cycle, there are 44 NWPs and 27 conditions that each application must satisfy if it is to be authorized. NWPs are issued at Headquarters, US Army Corps of Engineers (HQUSACE) every 5 years. The Corps, including each District, takes the comments received from the public and from cooperating state and federal agencies, to incorporate final permits and conditions applicable for use in each District. We are now in the process of preparing an in-depth analysis of the program and all incorporated regional conditions, with all adopted changes based on comments received, for review and approval.

#### Critical Dates and Timeframes for Applicants and Permit Holders:

- 1) The current Nationwide Permits will expire March 18, 2007.
- 2) For all activities currently verified under the existing 2002 Nationwide Permits, the authorized work can proceed after March 18, 2007, if the activity is under construction or under contract for construction, before March 18, 2007. The period in which this provision to use the 2002 NWPs is one calendar year after the date the permit was authorized, or until March 18, 2008, whichever is sooner (see 33 CFR 330.6(b)).
- 3) If a project proponent receives a NWP verification for an activity authorized by March 18,

2002 Nationwide program, but will not begin construction or will not be under contract for construction before the expiration date, that request can be re-verified under the 2007 Nationwide permits when these are approved for use, provided the proposed work meets the terms and conditions of the 2007 NWP.

4) Activities currently authorized by NWP that require pre-construction notifications (PCN) or verification requests that cannot be finalized before the expiration of the program (i.e., March 18 2007), will be processed under the 2007 NWP.

5) Activities authorized by the 2007 NWP cannot begin construction until a Public Notice is posted with the Final Nationwide Permits and Regional Conditions indicating that they are signed by the Division Commander and approved for use.

6) Prospective permittees can submit pre-construction notifications or NWP verification requests for the 2007 NWP at any time, but 45 day clock will not start until the 2007 Nationwide Permits and regional conditions are approved for use by the Division Commander.

Questions on the content or process for this effort should be directed to Mr. Henry Wicker, at telephone (910) 251-4930.