



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

Final 2007 Nationwide Permits
Issue Date: **March 23, 2007**

PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING NEW NATIONWIDE PERMITS

On March 12, 2007, in Part II of the *Federal Register* (72 FR 11092), the U.S. Army Corps of Engineers (Corps) announced the reissuance of all existing Nationwide Permits (NWP), general conditions, and definitions with some modifications. The Corps also issued six new NWPs, two new general conditions, and 13 new definitions. The NWPs are effective as of March 19, 2007.

After the publication of this *Federal Register* notice, Corps districts will begin finalizing their regional conditions for the new and reissued NWPs. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District.

The publication of the *Federal Register* notice also began the 60-day period for states, Indian Tribes, and the Environmental Protection Agency (EPA) to complete their water quality certification (WQC) process for the NWPs. The *Federal Register* notice also provides a 60-day period for coastal states to complete their Coastal Zone Management Act (CZMA) consistency determination processes. This 60-day period will end on May 11, 2007.

While the states, Indian Tribes, and EPA complete their WQC processes, the use of a NWP to authorize a discharge into waters of the United States is contingent upon obtaining individual water quality certification or a case-specific WQC waiver from the appropriate state agency. Likewise, while states complete their CZMA consistency determination processes, the use of an NWP to authorize an activity within, or outside, a state's coastal zone that will affect land or water uses or natural resources of that state's coastal zone, is contingent upon obtaining an individual CZMA consistency determination, or a case-specific presumption of CZMA concurrence from the appropriate state agency.

The March 12, 2007, *Federal Register* notice is available for viewing at the New York District Corps of Engineers, 26 Federal Plaza, Room 1937, New York, New York 10278 or on the Internet at

http://www.usace.army.mil/cw/cecwo/reg/nwp/nwp_2007_final.pdf. As an alternate, World Wide Web users can access the *Federal Register* through the U.S. Government Printing Office at <http://www.gpoaccess.gov/fr/index.html>.

The Corps has also issued final decision documents for the new and reissued NWP. These documents are also available on the Internet at http://www.usace.army.mil/cw/cecwo/reg/nwp/nwp_final.htm and Corps district offices. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address decisions concerning regional conditioning of the NWPs.

While Regulatory staff made every effort to complete all Nationwide Permit (NWP) requests submitted before expiration of the 2002 NWPs, some actions were not completed. Therefore, any NWP action not verified in writing by this office by March 18, 2007 will be reviewed under the new NWP requirements.

The 60-day period for the states, Indian Tribes, and the U.S. Environmental Protection Agency to complete WQC and CZM consistency reviews will end on May 11, 2007, at which time the New York District will issue a Public Notice describing the final conditions.

Questions pertaining to the regional conditioning of the final nationwide permits described in this notice should be directed to James Cannon at (917)790-8412 or by e-mail address at James.H.Cannon@usace.army.mil.



Richard L. Tomer
Chief, Regulatory Branch

Index of Nationwide Permits, Conditions, Further Information, and Definitions

Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
48. Existing Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities

**Nationwide Permit General
Conditions**

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Wild and Scenic Rivers
16. Tribal Rights
17. Endangered Species
18. Historic Properties
19. Designated Critical Resource Waters
20. Mitigation
21. Water Quality
22. Coastal Zone Management
23. Regional and Case-by-Case Conditions
24. Use of Multiple Nationwide Permits
25. Transfer of Nationwide Permit Verifications
26. Compliance Certification
27. Pre-Construction Notification
28. Single and Complete Project

Further Information and Definitions

- Best management practices (BMPs)
- Compensatory mitigation
- Currently serviceable
- Discharge
- Enhancement
- Ephemeral stream
- Establishment (creation)
- Historic property
- Independent utility
- Intermittent stream
- Loss of waters of the United States
- Non-tidal wetland
- Open water
- Ordinary high water mark
- Perennial stream
- Practicable
- Pre-construction notification
- Preservation
- Re-establishment
- Rehabilitation
- Restoration
- Riffle and pool complex
- Riparian areas
- Shellfish seeding
- Single and complete project
- Stormwater management
- Stream bed
- Stream channelization
- Structure
- Tidal wetland
- Vegetated shallows
- Waterbody