



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING NEW NATIONWIDE PERMITS

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On 9 March 2000, the Corps published a notice in Part III of the Federal Register (65 FR 12818 - 12899) announcing the issuance of five new Nationwide Permits (NWP), the modification of six existing NWPs, the modification of nine NWP general conditions, and the adoption of two new NWP general conditions. These NWPs are activity-specific and authorize certain activities in non-tidal waters of the United States that have minimal adverse effects on the aquatic environment. The new NWP general conditions limit the use of certain NWPs in designated critical resource waters and waters of the United States within 100-year floodplains.

After the publication of this Federal Register notice, Corps districts will begin finalizing their regional conditions for the new and modified 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 this Federal Register notice also begins a 90 day process for States and Tribes to make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of publication of the 9 March 2000 Federal Register. At the end of this 90 day period, the new and modified NWPs and Corps regional conditions will become effective on 7 June 2000.

The 9 March 2000 Federal Register notice is available for viewing at the Regulatory Branch, San Francisco District, 333 Market Street, San Francisco, California 94105 (contact Virginia Madlaing at 415-977-8436) or on the Internet at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>. As an alternate, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at http://www.access.gpo.gov/su_docs/aces/aces140.html.

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

Enclosed is an index of the final new and modified NWPs and conditions. Anyone who wishes to obtain a full text copy of the NWPs may do so through the Corps Home Page or the Federal Register. (The list is provided below.)

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

Nationwide Permits

3. Maintenance
7. Outfall Structures and Maintenance
12. Utility Line Activities
14. Linear Transportation Crossings
27. Stream and Wetland Restoration Activities
39. Residential, Commercial, and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities

Nationwide Permit General Conditions

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

Further Information

Definitions

Best Management Practices

Compensatory mitigation

Creation

Enhancement

Ephemeral stream

Farm tract

Flood fringe

Floodway

Independent utility

Intermittent stream

Loss of waters of the United States

Non-tidal wetland

Open water

Perennial stream

Permanent above-grade fill

Preservation

Restoration

Riffle and pool complex

Single and complete project

Stormwater management

Stormwater management facilities

Stream bed

Stream channelization

Tidal wetland

Vegetated buffer

Vegetated shallows

Waterbody