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Wetlands Regulations

The U.S. Army Corps of Engineers Nationwide Permits

Changes in 2000

March 9, 2000—The United States Army Corps of Engineers (the CORPS) published a notice in Part III of the Federal Register announcing the issuance of five new nationwide Permits (NWP) and modification of six existing NWPs to replace NWP 26.

June 7, 2000—Original NWP 26 expired. The Corps modified nine NWP general conditions and added two new general conditions to the existing and newly created NWPs to increase overall protection of the aquatic environment.



NWP Additions & Modifications

- The new NWPs are activity-specific, authorizing certain activities in non-tidal Waters of the United States that pose minimal adverse effects on the aquatic environment.
- NWP 39 (Residential, Commercial, and Institutional Development) provides the closest functional replacement for development activities previously allowed by NWP 26.

The majority of commercial, industrial, and residential development activities impacting the Corps' jurisdictional wetlands were covered under NWP 26. This permit allowed the discharge of dredged or fill material into 0 to 3.0 acres of jurisdictional wetlands or other Waters of the United States (i.e., streams, lakes, rivers, etc.), provided the proposed site met the conditions of the Nationwide Permit.



NWP 39 allows discharge of fill material into non-tidal Waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, for the construction or expansion of residential, commercial, and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structure.

Six new NWP general conditions have been added, restricting or prohibiting the use of certain NWPs for projects occurring in Waters of the United States located within the 100-year floodplains, impaired waters, and designated critical resource waters.

- Modification of nine existing NWPs, including NWP 12 (Utility Line Backfill and Bedding) and NWP 14 (Road Crossing Fills), both per CFR§ 330, which currently cover limited residential and commercial development activity. These permits allow backfilling of installed utility lines and / or discharge of fill for project-related road construction into as much as one-third acre of wetland or Waters of the United States.

**Modifications to these NWPs are minor and should not change their general characteristics.*



Services

- Wetlands Identification
- Wetlands Delineation
- Individual and Nationwide Permit Preparation
- Mitigation Plan Preparation
- Interaction and Coordination with the United States Army Corps of Engineers and other Resource Agencies