



**US Army Corps
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New England District

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PUBLIC NOTICE

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PUBLIC NOTICE REVOKING NATIONWIDE PERMITS IN NEW ENGLAND

While nationally the U.S. Army Corps of Engineers has reissued its Nationwide Permits (NWP), the Corps in New England again suspended the NWPs in the six New England states, most recently on July 31 2007. This will continue the general permit program in the six New England States, which have used the highly effective and successful state-specific general permits for over 10 years. You may view the general permits at www.nae.usace.army.mil/reg/index.htm.

On March 12, 2007, in Part II of the *Federal Register* (72 FR 11092), the Corps Headquarters, Washington D.C., announced the national reissuance of all NWPs, general conditions, and definitions with some modifications.

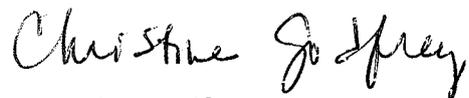
Multiple goals are realized as a result of again suspending the NWPs in New England:

(1) To provide consistency, simplification and streamlining in the regulatory process. Projects with minimal individual and cumulative effects on the aquatic environment will be approved administratively under the PGP. Projects with the potential for more than minimal effects will be subjected to individual review. Project eligibility for permitting under a PGP will fall into two categories defined using the regional criteria for non-reporting projects and reporting projects that will be screened. Non-reporting projects may proceed upon approval from the specific state's wetland permitting agency without notification of the Corps provided all terms and conditions of the PGP are met. Activities requiring reporting to the Corps will be reviewed by the Corps, the State wetland permitting agency, and the Federal resource agencies (U.S. Fish Wildlife Service, U.S. Environmental Protection Agency, National Marine Fisheries Service). Through this interagency screening, the Corps will determine if individual and cumulative adverse environmental impacts are more than minimal or whether the project may proceed under the PGP. Projects that do not meet the terms and conditions of the PGP or those which, after screening, are determined to have potential for greater than minimal adverse impact will require an Individual Permit. The Individual Permit review procedures are not altered by the PGP. Federal exemptions (which are not necessarily the same as the states' exemptions) are also not be altered by the PGP. In addition, PGP authorizations are not valid until all other required Federal, State, and local permits and/or certifications are obtained.

(2) To continue broad coverage and increased environmental sensitivity. The PGPs have broader upper limits and are impact based, thereby allowing the Corps, in concert with the Federal Resource agencies, to screen many more projects to determine if project impacts are more appropriately reviewed under Individual Permit procedures. Additionally, the decision of ineligibility under the PGP will be much simpler and require less staff time than the discretionary authority procedures. However, the Corps

retains the right to implement discretionary authority for any project when it determines it is necessary and in the public interest to do so. The suspension of the new NWP will continue to allow maximum use of the PGPs and result in a greatly simplified, flexible and expedited regulatory program in New England. Suspension of the new NWP will also eliminate redundancy since state and Federal programs are administered jointly and the PGPs are based on in-place state specific programs. State PGPs can be individually conditioned, as can NWP, should it be necessary to restrict activities in order to protect the environment. In addition, the NWP can be reinstated in cases where the State PGPs are not as inclusive as the NWP.

If you have any questions or would like to obtain copies of the NWP Regulations or the Statement of Findings for this decision, please contact Greg Penta at (978) 318-8862 or gregory.r.penta@usace.army.mil.



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