

WETLANDS REGULATIONS UPDATE

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On March 9, 2000, the U.S. Army Corps of Engineers [Corps] finally published the long-awaited and much dreaded modifications to its Nationwide Permits Program. The new and modified NWP's and conditions become effective June 5, 2000. All existing NWP's and conditions remain in effect until June 5, 2000, except that the Corps will no longer accept new notifications for work under NWP 26.

Note: NO ONE RECEIVED ADVANCE WARNING OF THESE PROPOSED REVISIONS, WHICH ARE MORE EXTREME THAN HAD BEEN ANTICIPATED DURING PRIOR PUBLIC COMMENT PERIODS! WE UNDERSTAND THAT ALGORE PERSONALLY NIXED THE REGULATIONS WHICH HAD BEEN NEGOTIATED WITH THE BUILDING INDUSTRY!

PLEASE NOTE ESSENTIAL CHANGES FOR APPLICATIONS FOR NWP:

- A. The maximum impact [fill] allowed to use the NWP system is only $\frac{1}{2}$ acre, **not three acres as originally anticipated.**
2. **The Corps will require formal notification prior to construction for impacts exceeding 1/10 acre!**
3. Limitation of the road crossing NWP 14 to a maximum of 200 linear feet of all waters of the US, as opposed to just in wetlands.
4. Mandatory requirement to develop and implement a water quality management plan for use of most NWP's on construction sites.
5. Increased minimum processing time for formal notifications to Corps [which is now required where impacts are anticipated to exceed 1/10th acre].
6. Requirement to provide a 25-50 ft. vegetated buffer on all sides of a preserved or avoided water body within the project area.
7. Prohibited use of road crossing permits and formal notification requirements regardless of size of impact within designated **critical habitat areas [this reverses procedure]; must do critter study first, cannot avoid critter study for small impacts;** must notify F&W for preconsultation.
8. Prohibition for use of various NWPS within the 100-year floodplain.

End