



**US Army Corps  
of Engineers**  
St Paul District

# Public Notice

**ISSUED: February 22, 2012**

**EXPIRES: March 14, 2012**

**REFER TO: 2011-00768-MTV**

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## **PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS**

On February 21, 2012, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of all existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, three new general conditions, and three new definitions. The NWPs will be effective on March 19, 2012, and will expire on March 18, 2017.

The St. Paul District (District) has reviewed the current NWPs and NWP conditions and plans to request that the Division Engineer suspend Section 404 NWPs in Minnesota and Wisconsin in favor of a continued use of our programmatic and regional general permits. In Minnesota, the District currently uses a statewide programmatic general permit (GP-001-MN) for certain activities permitted by the Minnesota Department of Natural Resources and a regional general permit (GP-003-MN) for specific categories of activities that generally mirrors the NWPs. In Wisconsin, the District has issued three general permits for Section 404 regulated discharges. These include a programmatic general permit (GP-001-WI) for activities that are regulated by the Wisconsin Department of Natural Resources, a regional general permit (GP-002-WI) for specific categories of activities that generally mirrors the NWPs, and regional permit for activities on cranberry marshes established prior to 2004 (GP-014-WI).

In addition to these statewide programmatic and general permits the District has also issued GP-10-R, a general permit covering certain categories of activities for use within the exterior boundaries of Indian Reservations in Minnesota and Wisconsin, except The Mole Lake Band of Sokaogon Chippewa and Fond du Lac Band of Lake Superior Chippewa Reservations. The District proposed continued use of these general permitting procedures in lieu of the NWPs in a public notice dated March 21, 2011. Since no comments were received in response to the notice, the District has determined that the combined suite of general permits provides an efficient and streamlined permitting process for certain activities regulated under Section 404 of the Clean Water Act that would result in individually and cumulatively minimal impacts to the aquatic environment.

The District plans to continue using the Section 10 NWPs for activities in navigable waters of the United States throughout Minnesota and Wisconsin and proposes no regional conditions for the new and reissued NWPs.

The publication of this *Federal Register* notice also begins the 90-day period for coastal states to complete their Coastal Zone Management Act (CZMA) consistency determination processes. The 90-day period for CZMA consistency determinations will end on May 21, 2012.

**Operations - Regulatory (2011-00768-MTV)**

**SUBJECT: Federal Register Notice Announcing the Reissuance of the Nationwide Permits**

While coastal 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.

The February 21, 2012, *Federal Register* notice is available for viewing on the Internet at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>. As an alternate, Internet users can access the *Federal Register* through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.

The Corps has also issued final decision documents for the new and reissued NWPs. These documents are also available on the Internet at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx> and Corps district offices. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWPs.

Interested parties are invited to submit comments or objections to the District's proposal to suspend the Section 404 NWPs and reissue the Section 10 NWPs by the date specified in this notice. Further, any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider suspension of the Section 404 NWPs. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

Comments and/or requests for a public hearing should be provided in writing to Mr. Tim Smith at the following address: Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Questions on the proposed District action may be submitted via email to [mvp-reg-inquiry@usace.army.mil](mailto:mvp-reg-inquiry@usace.army.mil) or by phone using our toll free line at (800) 290-5847 ext. 5525.



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NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.