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[CORPS PROPOSES NEW, REISSUED, AND MODIFIED NATIONWIDE PERMITS](#)

By [Keith Garner](#)

On February 16, 2011, the [U.S. Army Corps of Engineers](#) published a [notice](#) of its proposal to reissue and modify 48 of the 49 existing Nationwide Permits (“NWP”) and to issue two new NWPs and two new general conditions. The Corps proposes to let one NWP (47 - Pipeline Safety Program Designated Time Sensitive Inspections and Repairs) expire. Most of the current impact limits are retained, although waiver requirements for linear impacts have been clarified in seven NWPs and added to three existing NWPs. Additionally, the Corps proposes significant modifications to two NWPs:

- 21 - Surface Coal Mining Activities - The Corps solicits comments on three options: (i) not to reissue the NWP; (ii) to reissue NWP 21 with modifications, including a 0.5-acre/300 linear feet impact limit, and a prohibition on use of NWP 21 for valley fills; and (iii) to reissue NWP 21 with the same modification as in Option (ii), but without the valley fill prohibition.
- 48 - Existing Commercial Shellfish Aquaculture Activities - The Corps solicits comments on whether to reissue NWP 48 with modifications to authorize new commercial shellfish aquaculture activities or to issue a separate NWP to authorize only new commercial shellfish aquaculture activities.

The two new NWPs (A and B) would authorize activities related to Land-Based Renewable Energy Generation Facilities and Water Based Renewable Energy Pilot Projects, with acreage and linear feet impact limits.

The deadline for submitting comments on the proposal is April 18, 2011. The Corps will review comments and then draft the final NWPs. The [current Nationwide Permits](#), which were issued in March of 2007, are scheduled to expire on March 18, 2012. Corps districts, including [Los Angeles](#), [Sacramento](#), and [San Francisco](#), may publish notices of proposed regional conditions or proposals to suspend or revoke some or all of the proposed reissued and new Nationwide Permits.

Authored By:

[Keith Garner](#)

(415) 774-2991

KGarner@sheppardmullin.com