

USACE REISSUING/MODIFYING 12 NATIONWIDE PERMITS AND ISSUING 4 NEW NATIONWIDE PERMITS – EFFECTIVE 3/15/2021

Nationwide Permits (NWP) authorize work in streams, wetlands and other waters of the United States under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Impacted NWPs include Nos. 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57 and 58.

Noteworthy updates as follows:

- NWPs 29 (Residential Developments), 39 (Commercial and Institutional Developments), 43 (Stormwater Management Facilities) and 51 (Land Based Renewable Energy Generation Facilities)
 - Revised to remove the 300 LF limit for losses to stream bed (included within area impact allowable under each NWP)
- NWP 12 now authorizes only oil or natural gas pipeline activities (with amended conditions)
- Mitigation conditions modified to include a requirement for compensatory mitigation for stream bed losses exceeding 3/100 acre.
- New NWPs
 - NWP 57 – authorization for activities required for the construction, maintenance, repair and removal of electric utility lines, telecom lines and associated facilities
 - NWP 58 – authorization for activities required for the construction, maintenance, repair and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil/gas and electricity
- Expiration of the 2017 version of NWP Nos. 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51 and 52 is 3/14/2021.
 - The expiration date of the new version of these NWPs plus the four new NWPs (55, 56, 57, 58) is 3/14/2026
 - All other NWPs remain in effect until 3/18/2022 (at which time they will likely be re-issued, modified, extended, etc.)

For assistance with permitting, please contact your Langan Project Manager or:

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