

Corps of Engineers Regulatory Update NYSWF – 2016 Annual Conference

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US Army Corps of Engineers
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Corps Regulatory Updates

- 2017 Nationwide Permit (NWP) Reauthorization Schedule
- New Clean Water Act Rule
- Emergency and Storm Activities Regional Permit



2017 NWP Reauthorization Schedule

- Currently Draft NWPs are awaiting approval from OMB
- April 2016 – Federal Register notice of proposed NWPs
 - 60 day comment period
 - Convene PDT to review comments, draft final NWPs
- August 2016 – Submit final draft NWPs to OMB
- December 2016 Federal Register notice of final NWPs
 - States to issue WQC/CZMA (90 days)
 - District write supplemental EAs and finalize Regional Conditions
- March 2017 – 2017 NWPs become effective as 2012 NWP expire



New Clean Water Act Rule

- Sixth Circuit issued an order staying the new CWR nationwide.
- CWR stayed and 1986 rules remain in effect nationwide
- USACE/EPA evaluating the order & its implications for the litigation that is currently pending in district courts. .
- Jurisdictional determinations will be made using 1986 regulations and applicable guidance (those in effect prior to August 28, 2015).



Emergency and Storm Activities Regional Permit

- June 2016 – Extend NYDGP-15 to authorize storm response activities.
- State Programmatic General Permit for a majority of New York State for post storm recovery.

