

Permit Application Status During Government Shutdown

This Public Notice is For Informational Purposes Only. We are not soliciting comments

The Corps of Engineers Regulatory offices will be closed, beginning 15 October, due to the lapse in government funding. During this time, we are unable to evaluate individual permit applications, pre-construction notifications (PCNs) for nationwide permit (NWP) or regional general permit authorizations, or requests for jurisdictional determinations. Work on these actions will proceed when the government reopens. Potential applicants for NWP authorization are reminded that proposed NWP activities that require PCNs are not authorized until 45 days have passed since a complete PCN was received by the Corps district office (see 33 CFR 330.1(e)).

Potential applicants for NWP authorization are also advised that certain NWP PCNs require a written response from the Corps of Engineers prior to commencing the NWP activity (i.e., NWP activities that might affect listed species or designated critical habitat under the Endangered Species Act, NWP activities that have the potential to cause effects to historic properties, and activities authorized by NWPs 21, 49, and 50) will not be processed until after the government reopens. Please see NWP general condition 18, endangered species, and NWP general condition 20, historic properties, for additional information.

Should you have an emergency that requires action to ensure protection of public health or safety and may also require Department of the Army authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, please call Mike Petersen at (314) 331-8002 or send an email message to michael.w.petersen@usace.army.mil.

Potential applicants for NWP authorization are further advised that the current NWPs were published in the February 21, 2012, edition of the *Federal Register* (77 FR 10184). Corps divisions added regional conditions to the 2012 NWPs after they were published in the *Federal Register*. To qualify for NWP authorization, a prospective permittee must comply with the NWP general conditions, as applicable, as well as any applicable regional conditions imposed by the Corps.

Regional conditions that have been imposed on the 2012 NWPs are provided on each Corps district's web site. <http://www.mvs.usace.army.mil/Missions/Regulatory/Permits.aspx>

Prospective permittees should ensure all proposed NWP activities comply with all terms and conditions of any NWP as well as obtaining other required authorizations (e.g., Clean Water Act Section 401 water quality certification or waiver if the proposed activity involves a discharge into waters of the United States, or Coastal Zone Management Act consistency concurrence or presumption of concurrence, if the proposed activity occurs in the coastal zone) prior to initiating regulated activities in waters of the United States.