

# *Association of State Wetland Managers*

## §404 Nationwide Permits Rulemaking: Final Rule



### FEDERAL REGISTER

Vol. 82      Friday,  
No. 4      January 6, 2017

Part III

Department of Defense

Department of the Army, Corps of Engineers  
32 CFR Chapter II  
Issuance and Reissuance of Nationwide Permits; Final Rule

**January 19, 2017**

3:00 pm – 5:00 pm Eastern

### **Webinar Moderators**

Jeanne Christie and Peg Bostwick

Association of State Wetland Managers

A photograph of a forest floor. In the foreground, there is a stream flowing through tall green grasses. The background shows a dense forest of trees with green foliage. A light blue rectangular box is overlaid on the center of the image, containing text.

## **Welcome!**

**If you have any technical difficulties during the webinar you can send us a question in the webinar question box or call Laura at (207) 892-3399.**

# JOIN ASWM

*ASWM Membership Rates and Benefits will change in 2017.*



## **Benefits of Membership (abbreviated):**

- Free Participation in our Members Only Wetland Webinar Series
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- Free Certificates of Attendance for all ASWM webinars\*†
- Free Subscription to the Association's bi-monthly membership newsletter, Wetland News
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- Corporate group memberships (11-20+ people) also include logo placement on ASWM's website homepage with a live link\*

† Non-members will be charged \$25.00 for each Certificate of Attendance beginning January 1, 2017.

<http://www.aswm.org/join-aswm>

- **No certificates of attendance for today's webinar.**
- **Today's webinar is being recorded and will be posted under Hot Topics within two weeks.**

# Efforts to Encourage Timely Reissuance of the Permits

*Jeanne Christie, ASWM Executive Director*



## FEDERAL REGISTER

Vol. 81  
No. 105

Wednesday,  
June 1, 2016

Part III

Department of Defense

Department of the Army, Corps of Engineers  
33 CFR Chapter II  
Proposed To Retain and Modify Nationwide Permits, Proposed Rule

# ASWM Actions to Support Timely Publication of the Revised Rule

- Meeting with key OMB staff this summer (ASWM & ACWA)
- Letter to Army from ASWM and ACWA
- Letter OMB from ASWM, ACWA, ECOS
- Discussions with EPA and Corps
- Meetings on Hill with Majority and Minority Staff EPW and T&I

# Webinar Moderators



**Jeanne Christie**  
*Executive Director*  
ASWM



**Peg Bostwick**  
*Senior Policy Analyst*  
*Association of State*  
*Wetland Managers*

# Webinar Speaker



**Dave Olson,**  
*Regulatory Program  
Manager, U.S. Army Corps of  
Engineers*

# How to Access Information about ASWM Webinars

**Association of State Wetland Managers - Protecting the Nation's Wetlands.**

**ASWM Upcoming Webinars**

- **NWP Rule Webinar #3: An Interactive Discussion with States and Tribes on Reviewing the Proposed Rule to Reissue the \$404 Nationwide Permits** - 7/8/16
- **Bottomland Hardwood Restoration** - 7/12/16
- **3 Part Webinar on the Soil and Water Assessment Tool (SWAT)** - 7/20/16

For a complete list of our upcoming webinars, click here.

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**Corps Publishes Proposal To Reissue and Modify Nationwide Permits in Federal Register**

The U.S. Army Corps of Engineers (Corps) is soliciting comments for the reissuance of the existing nationwide permits (NWP), general conditions, and definitions, with some modifications. The Corps is also proposing to issue two new NWPs and one new general condition. The Corps is requesting comment on all aspects of these proposed nationwide permits. The reissuance process starts with this publication of the proposed NWPs in the *Federal Register* for a 60-day comment period. The purpose of this *Federal Register* document is to solicit comments on the proposed new and modified NWPs, as well as the NWP general conditions and definitions.

**ASWM FACEBOOK POSTINGS**

Sharon Weaver

*The Wetland Wanderer*

The Wetland Wanderer: High

**Upcoming ASWM Webinars**

Two arrows point to the 'Webinars' link in the Main Menu and the 'ASWM Upcoming Webinars' box.



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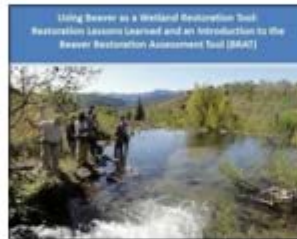
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## Hot Topics Webinar Series



Future Webinars

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## Improving Wetland Restoration Success Project



Future Webinars

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## Natural Floodplain Functions Alliance Webinar





Future Webinars

Past Webinars

# Past Nationwide Webinars

Association of State Wetland Managers - Protecting the Nation's Wetlands.



### ASWM Upcoming Webinar

- Hot Topics Webinar: Overview of the Final Rule on Issuance and Reissuance of the §404 Nationwide Permits
- For a complete list of our recorded webinars, click here.

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#### Past ASWM's Hot Topics Webinar Series


The Association of Wetland Managers (ASWM) works hard to stay abreast of time sensitive hot topics, including new policies, regulations and trending topics of interest to those involved and/or interested in wetland management and practice. From time to time, these topics do not fit in any of our current webinar series offerings so ASWM started offering a Hot Topics Webinar Series as a way to get important information out quickly to a broad audience. Some of the topics in the past have included the Clean Water Rule, the Ramsar Convention and international projects, complex legal cases, environmental economics and more. These webinars are advertised through our website, newsletters, social media and emails. There is no specific day of the month when these webinars occur. For more information and/or to join our email list for notices about upcoming events, please contact Laura Burchill at [laburo@aswm.org](mailto:laburo@aswm.org).

For a list of available past Hot Topics webinar recordings, click here.


Please click on a year below to view past webinars:

- 2016
- 2015
- 2014
- 2013
- 2012

#### Future Webinars

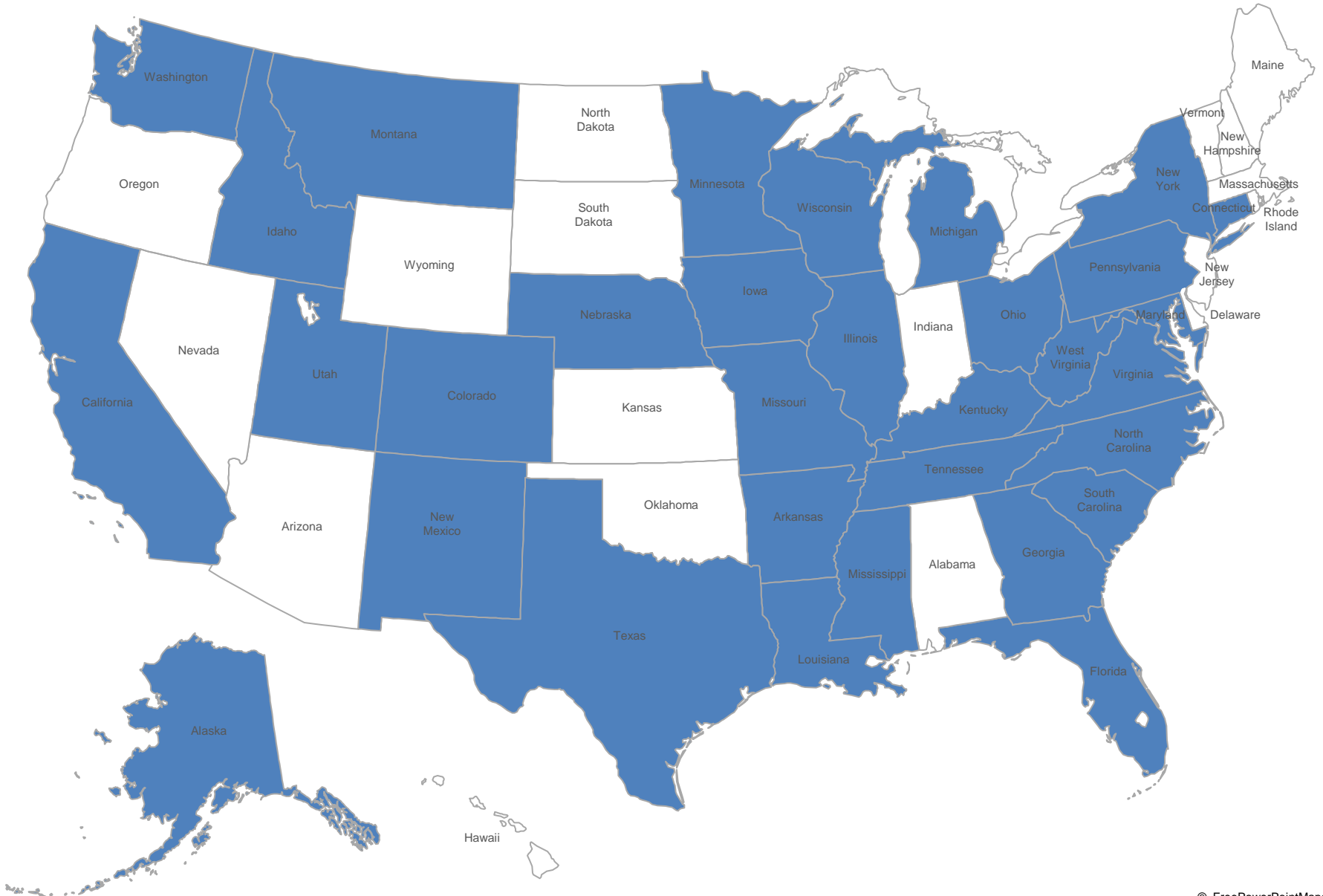


Jeanna Christie photo



- **Nationwide Permit Rule Webinar #1**  
**The New Nationwide Permit Rule – What You Need to Know**  
**Wednesday, June 8, 2016 – 3:00 p.m. ET**
- **Nationwide Permit Rule Webinar #2**  
**Panel on State Processes for Reviewing the Proposed Nationwide Permits and Lessons Learned from States**  
**Tuesday, June 14, 2016 – 3:00 p.m. ET**
- **Nationwide Permit Rule Webinar #3**  
**Interactive Discussion with States and Tribes on Reviewing the Proposed Rule to Reissue the §404 Nationwide Permits**  
**July 6, 2016 - 3:00 p.m. ET**

# State Participation in Today's Webinar



## **Additional Participation in Today's Webinar**

State Organizations (e.g., ACWA, ASFPM)

Tribes (e.g., Ute and Colville Tribes)

Federal Agencies (e.g., USACE, USEPA, USFWS, BIA, USDOT, NOAA, NRCS, NPS)

Consultant Firms (e.g., HDR, GZA, ECORP)

County Government (e.g., DuPage, Pima)

And more...

# Webinar Agenda



**Welcome and Introductions (10 minutes)**

**Plans for Future Webinars on Proposed Nationwide Rule (5 minutes)**

**Summary of Changes in Final Rule, Dave Olson, U.S. Army Corps of Engineers (1:10 minutes)**

**Questions (~25 minutes or until here are no more questions/comments)**



*Photo credits: ACOE*

# Importance of State/Tribal Review

- Corps NWP Process depends on regional conditions to ensure that NWP authorizations do not have more than minimal individual or cumulative impacts
- Aligning state and federal criteria (e.g. simplifies process for the public where there is dual permitting)
- Only opportunity for federally mandated 401 Water Quality Certification and, for coastal states, review of CZMA consistency for the next 5 year NWP period

# Focusing State and Tribal Review: Coordination with Districts

## **Coordination with Corps Districts**

(Now through end of process)

- **Regional Conditions** (Public Notice by Districts)
  
- **§401 Certification/Coastal Zone Management Act Consistency Review** (Process may vary from state to state)

# Focusing State and Tribal Review: Final 401 and CZM Comments

## **401 Certification/ CZM Consistency**

(within 60-90 days of *final Federal Register* notice)

- Final state /tribal certification begins
- May certify based on Regional Conditions , or
- Additional requirements may necessitate case-by-case certification by the state or tribe.

See *Federal Register* notice or pre-publication copy for discussion

- Pg. 15-16 of pre-publication copy
- Pg. 35196-7 of F.R. notice



Pre-publication copy is available here:

<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-31355.pdf>

# Upcoming Webinars

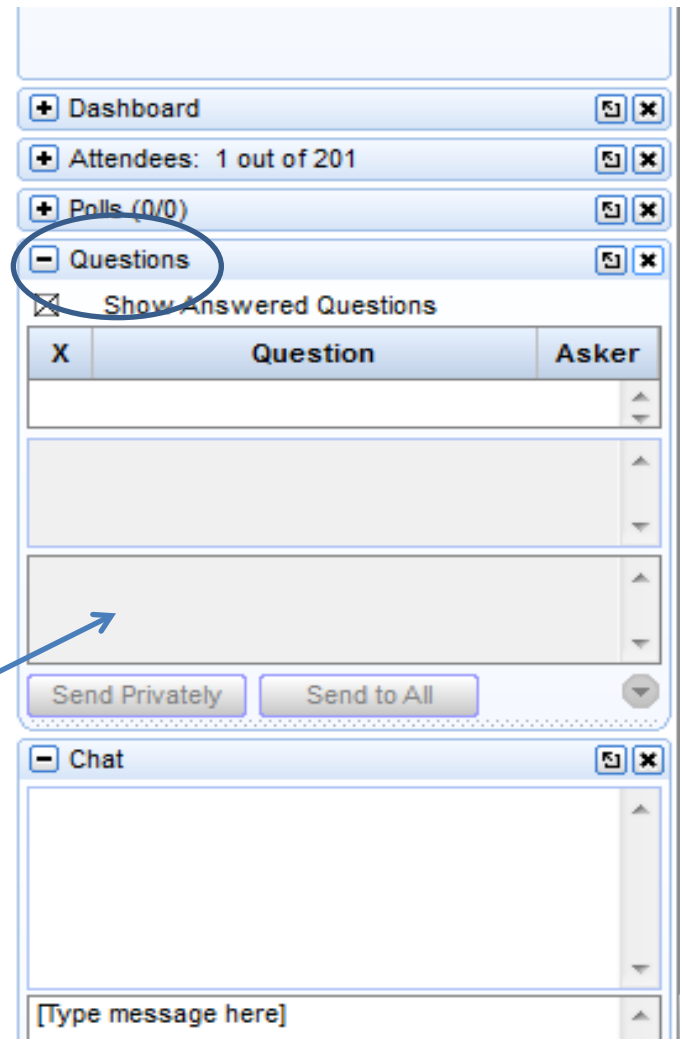
- February 9, 2017 3:00 EST  
Discussion of Low Head Dam Removal; technical background and considerations for state/tribal review
- Date to be determined  
Linear projects – meaning of “single and complete” and evaluation of project wide cumulative impacts
- Date to be determined  
State/tribal sharing and discussion of proposed NWP conditions/certification requirements

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Please submit your questions for the presenters via the question box.

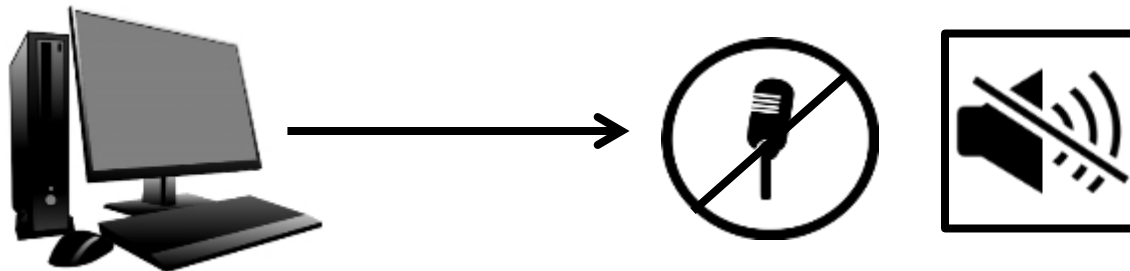


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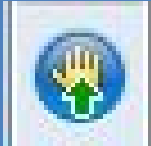


Please Be Patient While We Switch  
Presenters...



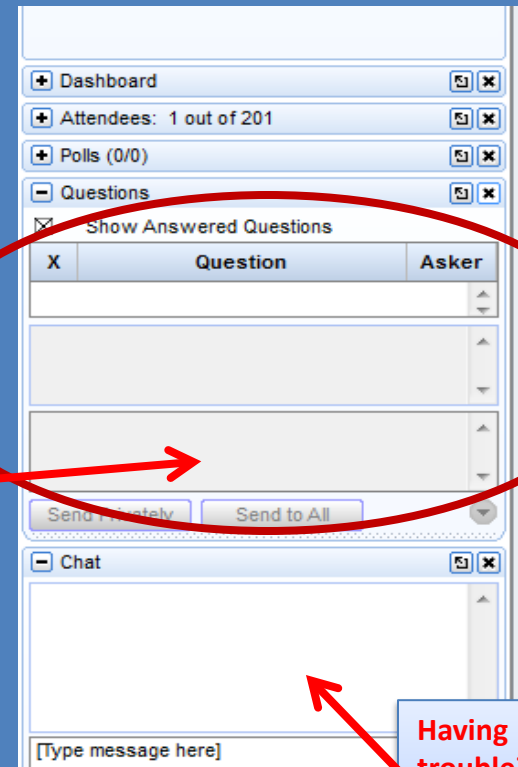
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the organizers



# Questions, Discussion

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