SENADO
GOBIERNO DE PUERTO RICO

Iniciales

Oficina del Presidente

Katherine Erazo
Chief of Staff

Fecha 13 de abril de 2012

Referido a Madeline Rivera

- [ ] Para su información
- [ ] Evaluar y recomendar
- [ ] Para trabajar y contestar directamente
- [x] Dar cuenta al cuerpo
- [ ] Para otorgar contrato
- [ ] Para nombramiento
- [ ] Autorizado

SENADO
RNO DE PUERTO RICO

retaría

581

r al dorso
ra su información
tas
ra mantenerle al día
ediente
r Cuenta
gistrar y Procesar

El Capitolio
PO Box 9023431
San Juan, Puerto Rico
00902-3431

T: 787.722.3460
787.722.4012
F: 787.723.5413
W: www.senadopr.us

REFERIDO A:

COMISIONES PERMANENTES

- ☐ Hacienda
- ☐ Gobierno
- ☐ Seguridad Pública y Judicatura
- ☐ Salud
- ☐ Educación y Asuntos de la Familia
- ☐ Desarrollo Eonómico y Planificación
- ☐ Urbanismo e Infraestructura
- ☐ Jurídico Penal
- ☐ Jurídico Civil
- ☐ Agricultura
- ☐ Recursos Naturales y Ambientales
- ☐ Comercio y Cooperativismo
- ☐ Turismo y Cultura
- ☐ Trabajo, Asuntos del Veterano y Recursos Humanos
- ☐ Bienestar Social
- ☐ Asuntos Municipales
- ☐ Recreación y Deportes
- ☐ Banca, Asuntos del Consumidor y Corporaciones Públicas
- ☐ Desarrollo de la Región del Oeste
- ☐ Asuntos de la Mujer
- ☐ Asuntos Internos
- ☐ Reglas y Calendario
- ☐ Asuntos Federales
- ☐ De la Montaña
- ☐ Ética

COMISIONES ESPECIALES

- ☐ Puerto de las Américas
- ☐ Derecho de Autodeterminación del Pueblo de Puerto Rico
- ☐ Sobre Reforma Gubernamental

COMISIONES CONJUNTAS

- ☐ Informes Especiales del Contralor
- ☐ Donativos Legislativos de Puerto Rico
- ☐ Internado Córdova-Fernós
- ☐ Internado Pilar Barbosa
- ☐ Internado Ramos Comas
- ☐ Código Penal
- ☐ Revisión y Reforma del Código Civil
- ☐ Alianzas Público Privadas
- ☐ Auditoría Fiscal y Manejo Fondos Públicos
- ☐ Revisión Continua Código Penal y Reforma de las Leyes

15001

Gobierno de Puerto Rico
Oficina del Gobernador
Junta de Planificación

Centro Gubernamental Roberto Sánchez Vilella
Ave. De Diego, Pda. 22, Santurce
PO Box 41119, San Juan, PR 00940-1119

RECIBIDO SECRETARIA
SENADO DE P.R.
2012 APR 12 AM 11:23

12 de abril de 2012

HON. THOMAS RIVERA SCHATZ
PRESIDENTE
SENADO DE PUERTO RICO
PO BOX 9023431
SAN JUAN PR 00902-3431

Caso Número: **CZ-2011-0325-057**

Estimado(a) señor(a):

Cumpliendo con las disposiciones de las Leyes Número 75 del 24 de junio de 1975 y 170 del 12 de agosto de 1988, según enmendadas, y para vuestra notificación oficial, le envío copia certificada de la notificación pública emitida por la Junta de Planificación de Puerto Rico en relación con el asunto de epígrafe.

Le agradeceré acuse de recibo de esta notificación.

RECIBIDO SECRETARIA
SENADO DE P.R.
2012 APR 17 AM 8:59

Cordialmente,

Loida Soto Nogueras
Secretaria

Anejo

DT 17816

GOBIERNO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE PLANIFICACION

AVISO PUBLICO
Solicitud de Certificación de Compatibilidad Federal
CZ-2011-0325-057

A quien pueda interesar: En conformidad con las Secciones 306 (d) 14 y 307 (3) (A) de la Ley Federal de Manejo de la Zona Costanera del 27 de octubre de 1972 según enmendada, queremos informarle que la Junta de Planificación tiene ante su consideración la siguiente Certificación de Compatibilidad Federal con el Programa de Manejo de la Zona Costanera de Puerto Rico (PMZCPR):

Proponente: Cuerpo de Ingenieros del Ejército de Estados Unidos

Descripción del Proyecto: El Cuerpo de Ingenieros del Ejército de Estados Unidos (USACE, por sus siglas en inglés) llevó a cabo el proceso de revisión y renovación para los permisos conocidos como "Nationwide Permits". Este proceso de revisión se lleva a cabo cada cinco (5) años. Los Nationwide Permits revisados entraron en vigor para todos los estados y territorios de los Estados Unidos, el 19 de marzo de 2012. Estos permisos se establecen para agilizar la autorización de actividades que tienen un impacto mínimo sobre el ambiente tomando en consideración los posibles impactos individuales y acumulativos. La Junta de Planificación de Puerto Rico (JP) propone emitir una Certificación de Compatibilidad Federal que cubrirá y podrá aplicarse a las actividades y proyectos que sean autorizados por el USACE a través de los Nationwide Permits, de tal manera que se agilice el trámite de permisos para actividades y proyectos menores, de interés público que tienen un impacto no significativo sobre los recursos costeros. En esta revisión el Cuerpo de Ingenieros renovó 48 de los 49 Nationwide Permits que se establecieron en el año 2007. En adición se añadieron dos permisos nuevos (51 y 52) dirigidos a cobijar actividades relacionadas a la construcción de facilidades de generación de energía a partir de fuentes renovables. Adjunto se incluye una tabla que contiene un resumen de los Nationwide Permits nuevos y las condiciones aplicables. Copia digital de los documentos finales publicados por el Cuerpo de Ingenieros para estos permisos está disponible para revisión pública a través del Portal de la Junta de Planificación, bajo el ícono de Evaluación Ambiental en la siguiente dirección: ***www.jp.pr.gov***

Además, la información y documentos relacionados a los Nationwide Permits se pueden acceder a través del portal del Cuerpo de Ingenieros de los Estados Unidos en la siguiente dirección: ***www.usace.army.mil***

La documentación radicada referente al proyecto propuesto estará disponible a partir de la fecha de notificación de este aviso para su revisión de compatibilidad con las políticas públicas del Programa de Manejo de Zona Costanera de P.R. en el **Subprograma de Planes de Usos de Terrenos, Junta de Planificación, Piso 12 del Centro Gubernamental Roberto Sánchez Vilella (antes Minillas), Torre Norte, Ave. de Diego, Santurce, P.R. entre 8:00 AM y 4:30 PM, de lunes a viernes**.

Para presentar comentarios referente a esta solicitud tendrá un período de **quince (15) días** a partir de la fecha de notificación de este aviso. Todo comentario deberá dirigirse por escrito a:

Oficina de la Secretaria
Junta de Planificación
P.O. Box 41119
San Juan, Puerto Rico 00940-1119

Favor de hacer referencia al número de la solicitud en su correspondencia. Para cualquier pregunta referente a este asunto puede comunicarse con la Unidad de Zona Costanera al (787)-723-6200 ext. 2020 o a través de correo electrónico a: ortiz_r@jp.pr.gov

Certifico y Notifico hoy: 12 ABR 2012

Leida Soto Nogueras
Secretaria

GOBIERNO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE PLANIFICACION

Summary of the 2012 Nationwide Permits

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 1 – Aids to Navigation	10	None	PCN not required	None	
NWP 2 – Structures in Artificial Canals	10	None	PCN not required	None	
NWP 3 – Maintenance	10/404				Does not authorize: maintenance dredging for the primary purpose of navigation; beach restoration; or new stream channelization or stream relocation projects.
(a) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills		Authorizes only minor deviations for maintenance	PCN not required	Added "requirements of other regulatory agencies" to allow minor deviation changes. Limit stream channel modification to the minimum necessary for the maintenance activity.	
(b) Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals		200 feet from structure; minimum necessary to restore capacity intake or outfall or associated canal	all activities	Removed "and within" and "immediate" from removal of accumulated sediments and debris in the vicinity of existing structures. Clarifies that the activity can include the placement of new or additional riprap in order to qualify for the NWP.	
(c) Temporary structures, fills, and work necessary to conduct maintenance activity			PCN not required	None	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	None	PCN not required	Added fish aggregating devices to list of examples of authorized structures or activities.	Does not authorize impoundments or artificial reefs. Does not authorize covered oyster trays or clam racks.
NWP 5 – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	Added meteorological stations, current gages, and biological observation devices to the list of examples. Added requirement that devices and any associated structures or fills be removed upon completion of the use and restored to pre-construction elevations to maximum extent practicable.	
NWP 6 – Survey Activities	10/404	1/10-acre for temporary pads	PCN not required	Added language stating the backfilling of exploratory trenches must not drain a water of the U.S. Added sample plots or transects for wetland delineations to list of examples. Replaced the 25 cubic yard limit for temporary work pads with a 1/10-acre limit.	Does not authorize fills for roads. Does not authorize permanent structures. Does not authorize fill associated with recovery of historic properties.
NWP 7 – Outfall Structures and Associated Intake Structures	10/404	None	all activities	None	Activity must comply with National Pollutant Discharge Elimination System Program.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 8 – Oil and Gas Structures on the Outer Continental Shelf	10	None	all activities	Changed Mineral Management Service to Bureau of Ocean Energy Management	Limited to facilities in areas leased by the Bureau of Ocean Energy Management of the Department of the Interior.
NWP 9 – Structures in Fleeting and Anchorage Areas	10	None	PCN not required	None	Applies to structures, buoys, and other devices placed in anchorage or fleeting areas established by the U.S. Coast Guard.
NWP 10 – Mooring Buoys	10	None	PCN not required	None	Non-commercial, single boat mooring buoys
NWP 11 – Temporary Recreational Structures	10	None	PCN not required	None	Structures must be removed within 30 days afte use discontinued.
NWP 12 – Utility Line Activities	10/404	1/2 acre of waters of the U.S. for each single and complete project	PCN required if: • A section 10 permit is required • Mechanized land clearing in forested wetlands for the right-of-way • Discharge results in the loss of >1/10 acre	Clarified locations when copies of PCN would be sent by Corps to NOAA National Ocean Service for charting (coastal United States; Great Lakes, and U.S. territories). For overhead utility lines, added requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.	Temporary fills must be removed in their entiret and the affected areas returned to pre-construction elevations.
Utility lines			PCN required if: • utility line exceeds 500 linear feet in waters of the U.S. • utility line runs parallel to a stream bed within jurisdictional area		Must restore area to pre-construction contours.
Utility line substations			PCN required if: • Discharge results in the loss of >1/10 acre		
Foundations for overhead utility line towers, poles, and anchors			PCN required if: • Discharge results in the loss of >1/10 acre		Separate footings for each tower leg should be used where feasible.
Access roads			PCN required if: • above-grade permanent access roads exceeding 500 feet; • permanent access roads constructed with impervious materials	Clarify that access road is included with other utility line activities that comprise a single and complete project, including the 1/2-acre that applies to each single and complete project.	Access roads must be constructed to minimize adverse effects to waters of the U.S.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 13 – Bank Stabilization	10/404	• 500 feet along the bank (unless waived by DE) • 1 cubic yard per running foot (unless waived by DE)	PCN required if: • >500 linear feet in length • >1 cubic yard per running foot along bank below OHWM or HTL • discharges into special aquatic sites	Added language authorizing temporary structures, fills and work necessary to construct the activity. Invasive plant species may not be used for bioengineering or vegetative bank stabilization.	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.
NWP 14 – Linear Transportation Projects	10/404	• 1/2 acre in non-tidal waters of the U.S. • 1/3 acre in tidal waters of the U.S.	PCN required if: • >1/10 acre • discharges into special aquatic sites	None	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Does not authorize storage buildings, parking lots, train stations, aircraft hangars, or other non-linear transportation features.
NWP 15 – U.S. Coast Guard Approved Bridges	404	None	PCN not required	Clarified that the construction of the bridge structure must be authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 and other applicable laws.	Causeways and approach fills for bridges are not authorized by this NWP; those activities require separate section 404 authorization.
NWP 16 – Return Water From Upland Contained Disposal Areas	404	None	PCN not required	Clarified that disposal site may be in an area that has no waters of the United States.	
NWP 17 – Hydropower Projects	404	None	all activities	None	Applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements.
NWP 18 – Minor Discharges	10/404	• 25 cubic yards discharged below plane of OHWM/HTL • 1/10-acre of waters of the U.S.	PCN required if: • >10 cubic yards discharged below plane of OHWM/HTL • discharges into special aquatic sites	None	Does not authorize discharges for stream diversions.
NWP 19 – Minor Dredging	10/404	25 cubic yards below plane of OHWM/ MHWM	PCN not required	None	Does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands.
NWP 20 – Response Operations for Oil and Hazardous Substances	10/404	None	PCN not required	Changed title. Also authorizes approved regional or local contingency plans, as well as temporary structures and fills for spill response training exercises.	Authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan.
NWP 21 – Surface Coal Mining Activities	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Added 1/2-acre limit and limits losses of stream beds to 300 linear feet unless district engineers waives in writing for intermittent and ephemeral streams. Agency coordination required for proposed waivers of the 300 linear foot limit. Does not authorize valley fills. Added definition of "valley fill."	Activities that were verified under the 2007 NWP 21 may be reauthorized without the limits, if the permittee submits a written request to the DE for reauthorization by February 1, 2013. Expansions in waters of the U.S. are not eligible for reauthorization. To be reauthorized, the district engineer must issue a written verification.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 22 – Removal of Vessels	10/404	None	PCN required if: • if vessel listed or eligible for National Register of Historic Places • activities in special aquatic sites	None	Does not authorize maintenance dredging, shoa removal, or river bank snagging. Disposal of removed vessel in waters of the U.S. may require separate authorizations from EPA and Corps
NWP 23 – Approved Categorical Exclusions	10/404	None	PCN required for certain activities listed in RGL 05-07	None	Categorical exclusions must be approved by the Office of the Chief of Engineers. See RGL 05-07 for list of agencies and their activities that are currently eligible for NWP 23.
NWP 24 – Indian Tribe or State Administered Section 404 Program	10	None	PCN not required	None	Does not authorize activities in navigable waters that require only a section 10 permit.
NWP 25 – Structural Discharges	404	None	PCN not required	None	Structure may require section 10 permit if located in navigable waters of the U.S. Does no authorize structures that support buildings or similar structures.
NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities	10/404	None	PCN required for most activities, except for those activities that require reporting and a 30-day review period (e.g., activities under a binding agreement between the landowner and an agency)	Added rehabilitation or enhancement of tidal streams and tidal wetlands. Authorize discharges to restore stream channels after removing water control structures or fills. Clarified activities that may be authorized to re-establish wetland or stream hydrology. Authorize the re-establishment of submerged aquatic vegetation and tidal wetlands in areas where those habitats previously existed. Clarified that changes in wetland plant communities that occur after restoring wetland hydrology are not considered conversions. Clarified that compensatory mitigation is not required for NWP 27 activities. Included stream restoration or enhancement in the types of activities authorized, as long as they are included in the agreements. Activities subject to the reporting provision must include information on baseline ecological conditions, such as a delineation of wetlands, streams, and other aquatic habitats. Added U.S. Forest Service to the list of agencies in the notification provision.	Does not authorize stream channelization. Does not authorize relocation or conversion of tidal waters. Does not authorize conversion of natura wetlands or streams, except for relocation activities.
NWP 28 – Modifications of Existing Marinas	10	Previously authorized marina area	PCN not required	None	Does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.
NWP 29 – Residential Developments	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit.	For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed 1/2-acre.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 30 – Moist Soil Management for Wildlife	404	None	PCN not required	None	Authorizes only on-going activities. Does not authorize construction of new dikes, roads, water control structures, etc. Does not authorize conversion of wetlands to uplands. Does not authorize impoundments. Does not authorize net loss of aquatic functions and services.
NWP 31 – Maintenance of Existing Flood Control Facilities	10/404	Maintenance baseline approved by DE	all activities	Added that the NWP authorizes the removal of vegetation from levees associated with a flood control project, in those cases where a Corps permit is required. Clarified that disposal site may be in an area that has no waters of the United States.	PCN must indicate location of dredged material disposal sites and baseline information.
NWP 32 – Completed Enforcement Actions	10/404	• 5 acres of non-tidal waters • 1 acre of tidal waters • also see text of NWP	Notification through non-judicial settlement agreement with Corps, court decision, consent decree, or settlement agreement	None	
NWP 33 – Temporary Construction, Access, and Dewatering	10/404	None	all activities	Clarified that temporary fills must be deposited in an area that has no waters of the United States.	Associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements. PCN must include restoration plan.
NWP 34 – Cranberry Production Activities	404	10 acres, and activity cannot result in net loss of wetland acreage	all activities	None	Does not authorize discharges in waters of the U.S. for attendant features, such as warehouses, processing facilities, or parking areas.
NWP 35 – Maintenance Dredging of Existing Basins	10	Dredging to previously authorized depths or controlling depths, whichever is less	PCN not required	None	Dredged material must be deposited at upland site.
NWP 36 – Boat Ramps	10/404	• 50 cubic yards, unless waived by DE • 20 foot width, unless waived by DE	PCN required if: • >50 cubic yards • >20 feet wide	Clarified that district engineers must make written determinations of minimal effects when waiving the limits of 50 cubic yard and/or the 20 feet in width. Clarified that excavated materials must be removed to an area that has no waters of the United States.	Section 10 permit required if dredging navigable water is necessary for access to boat ramp. No material in special aquatic sites.
NWP 37 – Emergency Watershed Protection and Rehabilitation	10/404	None	all activities	Updated reference to the U.S. Forest Service Burned Area Emergency Rehabilitation Handbook (FSH 2509.13). Also clarified the permittee should wait 45 calendar days before proceeding with the activity if the DE has not yet issued a verification letter.	In general, permittee should wait until District Engineer issues verification, but may proceed immediately if there is an unacceptable hazard to life or significant loss of property or economic hardship will occur.
NWP 38 – Cleanup of Hazardous and Toxic Waste	10/404	None	all activities	None	Does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 39 – Commercial and Institutional Developments	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Added requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities. Removed prohibition against constructing oil or gas wells.	Does not authorize construction of new golf courses or new ski areas.
NWP 40 – Agricultural Activities	404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Modified 300 linear foot limit so that it applies to all streams, not just drainage ditches constructed in streams.	NWP can be used for agricultural activities, regardless of whether applicant is USDA participant. Does not authorize aquaculture ponds.
NWP 41 – Reshaping Existing Drainage Ditches	404	None	PCN required if: • Reshaping greater than 500 linear feet of drainage ditch	None	Reshaping drainage ditch cannot increase capacity of ditch or drain additional waters of th U.S. Does not authorize relocation of drainage ditches constructed in waters of the U.S.
NWP 42 – Recreational Facilities	404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit.	Authorizes variety of recreational facilities, except for hotels, restaurants, racetracks, stadiums, arenas, or similar facilities (these ma be authorized by NWP 39).
NWP 43 – Stormwater Management Facilities	404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	PCN required if: • Construction or expansion of stormwater management facilities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Clarified that stormwater management facilities determined to be waste treatment systems under 33 CFR 328.3(a)(8) are not waters of the United States and generally §404 permits are not required for maintenance activities. Added low impact development integrated management features to the examples of facilities authorized.	Does not authorize construction of new stormwater management facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 44 – Mining Activities	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Added 300 linear foot limit for any activity causing the loss of stream bed, unless waived for intermittent and ephemeral stream. Agency coordination required for proposed waivers of the 300 linear foot limit.	PCN must include reclamation plan if reclamation is required by other statutes.
NWP 45 – Repair of Uplands Damaged by Discrete Events	10/404	Restore uplands to pre-event ordinary high water mark	all activities	Clarified beach restoration or nourishment is not authorized by this NWP. Clarified that the NWP authorizes discharges of dredged or fill material associated with the restoration of uplands.	PCN must be submitted to district engineer within one year of date of damage. Work must start or be under contract within two years of date of damage.
NWP 46 – Discharges in Ditches	404	1 acre of non-tidal waters of U.S.	all activities	None	NWP does not authorize discharges into ditches constructed in streams or other waters of the U.S., or in streams that have been relocated in uplands. Does not authorize discharges that increase the ditch capacity and drain additional jurisdictional waters.
NWP 48 – Existing Commercial Shellfish Aquaculture Activities	10/404	1/2-acre limit for impacts to submerged aquatic vegetation in new project areas	PCN required if: • activity includes species not previously cultivated in waterbody • change from bottom culture to floating or suspended • dredge harvesting, tilling, or harrowing in submerged aquatic vegetation • activity is in a new project area	Project area clarified as lease or permit area approved by state or local agency or an area identified through a treaty, easement, lease, deed, or contract. Removed the reporting requirement for activities that do not require a PCN. Added new activities, with a 1/2-acre limit in areas with submerged aquatic vegetation. Defines "aquatic nuisance species." Aquatic nuisance species not allowed and nonindigenous species not allowed unless currently cultivated. Changed PCN thresholds. Identifies information required for PCN.	Does not authorize nonindigenous species not previously cultivated in the waterbody, aquatic nuisance species, or attendant features such as docks or staging areas. Does not authorize the deposition of shell material back into waters of the U.S. as waste.
NWP 49 – Coal Remining Activities	10/404	Limited to sites that were previously mined for coal, but new mining may be conducted in adjacent areas if the newly mined area is less than 40 percent of the area being remined plus any unmined area needed for reclamation	all activities	Clarified how the 40% of newly mined area is determined. Corps will review the SMCRA determination regarding the amount of previously unmined area necessary for the reclamation and make an independent determination of the amount needed.	Permittee must demonstrate net increase in aquatic resource functions through reclamation; activities must be authorized by the Department of Interior, Office of Surface Mining , or by states with approved programs under Title IV and V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure; prospective permittee must receive written authorization prior to commencing the activity

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 50 – Underground Coal Mining Activities	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	Added 1/2-acre limit and a 300 linear foot limit for any activity causing the loss of stream bed. The 300 linear foot limit may be waived for intermittent and ephemeral streams through a written determination made by the DE. Agency coordination required for proposed waivers of the 300 linear foot limit.	Activities must be authorized by the Department of Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure. If reclamation required, a copy of the plan must be submitted with PCN. Does not authorize coal preparation and processing activities outside of the mine site. Prospective permittee must recei written authorization prior to commencing the activity
NWP 51 – Land-Based Renewable Energy Generation Facilities	10/404	• 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams)	all activities	new NWP	Authorizes construction, expansion or modificatic of land-based renewable energy production facilities, including attendant features. If only activity requiring DA authorization is utility line, then NWP 12 shall be used. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. Requirement for DE to send PC and verification letter to Department of Defense Siting Clearinghouse, and the Clearinghouse w evaluate potential effects on military activities. Agency coordination required for proposed waivers of the 300 linear foot limit.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 52 – Water-Based Renewable Energy Generation Pilot Projects	10/404	• 1/2 acre of waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) • No more than 10 generation units	all activities	new NWP	Authorizes construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features. Limited to "pilot projects." Placement of a transmission line on bed of a navigable water of U.S. from generation unit to land-based collection facility is considered a structure under Section 10 and is not considered a loss of waters of the U.S. Prohibits activities in coral reefs. Structures in anchorage areas must comply with U.S. Coast Guard requirements. Does not authorize structures in established danger zones, restricted areas, etc. Upon completion of pilot project, associated structures and/or fills must be removed unless authorized by separate DA permit. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. Requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, and the Clearinghouse will evaluate potential effects on military activities. An activity located on existing maintained Corps project requires separate approval under 33 USC 408. Agency coordination required for proposed waivers of the 300 linear foot limit.