



SPECIAL PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

FINAL 2017 NATIONWIDE PERMIT REGIONAL CONDITIONS FOR NAVAJO NATION LANDS IN THE STATE OF ARIZONA

April 6, 2018

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs went into effect on March 19, 2017, and will expire on March 18, 2022. On March 22, 2017, the Los Angeles District has finalized Regional Conditions for the 2017 Nationwide Permits (NWPs) for the District boundaries of California and Arizona.

In June 2013 the Corps' Albuquerque District was designated the lead district within the Corps South Pacific Division region for coordination of Corps regulatory program issues within the boundary of the Navajo Nation. The goal of this designation is to bring consistency to the regulatory program within the Navajo Nation and to simplify and increase the efficiency of program implementation. Lead District designation only applies to management of regulatory consistency and each district is responsible for regulatory program execution within its area of responsibility. One of the primary activities undertaken is the ongoing consolidation of regional conditions of the three Corps districts whose area of responsibility includes Navajo Nation lands (Albuquerque District within New Mexico, Sacramento District within Utah, and Los Angeles District within Arizona). The consolidation will assist Navajo Nation agencies that must comply with the regulatory program and the Nation's water quality program which provides water quality certification for permitted activities. These consolidated regional conditions were adopted within Albuquerque District on March 22, 2017. Following approval by the South Pacific Division, the Los Angeles District has finalized and adopted the Regional Conditions within Navajo Nation lands in Arizona, which are consistent with those adopted by the Albuquerque District. The *Final Los Angeles District Nationwide Permit (NWP) Regional Conditions for Navajo Nation Lands* is attached to this public notice.

When combined with the terms and conditions of the Nationwide Permits, the final Regional Conditions for Navajo Nation Lands were designed to ensure no more than minor impacts occur to waters of the U.S. The final Regional Conditions for Navajo Nation lands take effect on April 6, 2018 and will run through the term of the current NWP Program (to March 18, 2022).

Additional information regarding the 2017 NWPs, including the Los Angeles District's current regional conditions and other information related to the NWP Program are available at our website:

<http://www.spl.usace.army.mil/Missions/Regulatory/Permit-Process/>

For additional information please call Antal Szijj of my staff at (805) 585-2147 or via e-mail at antal.j.szijj@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

Final 2017 Nationwide Permit Regional Conditions for Navajo Nation Lands within the Los Angeles District

NN 1. Pre-Construction Notification (PCN) for Dredge and Fill Activities in Intermittent and Perennial Streams, Special Aquatic Sites, and Springs.

Notification to the District Engineer in accordance with General Condition 32 is required for all proposed activities in intermittent and perennial streams, special aquatic sites (including wetlands, riffle and pool complexes, and sanctuaries and refuges), and discharges of dredged or fill material within 100 feet of the point of groundwater discharge of natural springs. A spring source is defined as any location where ground water emanates from a point in the ground and has a defined surface water connection to another water of the United States. For purposes of this regional condition, springs do not include seeps or other discharges which lack a defined surface water connection.

NN 2. Suitable Fill

Use of broken concrete as fill or bank stabilization material is prohibited unless the applicant demonstrates that its use is the only practicable material (with respect to cost, existing technology, and logistics). Any applicant who wishes to use broken concrete as bank stabilization must provide notification to the District Engineer in accordance with General Condition 32 (Pre-Construction Notification) along with justification for such use. Use of broken concrete with rebar or used tires (loose or formed into bales) is prohibited in all waters of the United States.

NN 3. Channelization

General Condition 9 for Management of Water Flows is amended to add the following: Projects that would result in permanent channelization to previously un-channelized streams require PCN to the District Engineer in accordance with General Condition 32.