US Army Corps of Engineers®

REGULATORY GUIDANCE LETTER

No. 05-03 **Date: August 4, 2005**

SUBJECT: Nationwide Permit Verifications and the Expiration of the 2002 Nationwide Permits and future Nationwide Permits.

1. Purpose and Applicability

a. Purpose: To clarify the time period allowed for a permittee to complete work verified as authorized under a nationwide general permit (NWP) when the NWP is set to expire, and also to address this same situation for future NWPs.

b. Applicability: This guidance applies to NWP verifications after the effective date of this guidance.

2. Discussion

The nationwide permits issued on March 18, 2002, are set to expire on March 18, 2007, unless they are modified or reissued. A letter verifying that a proposed activity complies with the terms and conditions of an NWP is valid for a period of no more than two years (see 33 CFR 330.6). The current NWPs are within two years of their expiration date and there are likely to be modifications of the existing NWPs, as a result of the reissuance process. Therefore, the time period in NWP verification letters should be the expiration date of the NWPs, instead of two years from the verification date.

3. Guidance

a. Until the nationwide permits are modified or reissued, the following statement should be included in all nationwide permit verification letters:

"This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit."

b. Furthermore, to raise the awareness of the permittee, such a statement (with the appropriate expiration dates for the nationwide permits) should be attached to future nationwide permit verification letters when those verification letters are issued within two years of their respective expiration date.

4. Duration

This guidance remains in effect unless revised or rescinded.

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