

## U.S. Army Corps of Engineers clarifies inaccuracies in wetlands permit reporting

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WASHINGTON, D.C., (Jan. 16, 2002) – Concerned about inaccuracies in news reports regarding nationwide permits, the U.S. Army Corps of Engineers is providing information to clarify them.

“The permitting program is very complex, and we need to ensure that the American public has accurate information about how their federal government is providing environmental protection,” said John Studt, Chief of the Regulatory Branch for the Army Corps of Engineers.

There were several topics bearing clarification:

“No net loss”/ acre-for-acre wetlands replacement. Developers (and others who use the permits) are still required to offset damage or impacts, and the standard this year is more restrictive than ever. In the past, Corps districts – which issue the permits -- had to ensure that wetland functions were replaced which often resulted in less than one-for-one acreage mitigation. Now they must not only ensure that functions are replaced, but also that the “no net loss” goal is met on an acreage basis within the geographic boundary of the district. This allows area regulators to consider cumulative impacts holistically rather than piecemeal, making decisions in the best interest of the entire watershed.

Current permits revoke previous requirements. “Actually, every time we’ve issued nationwide permits, they have become more environmentally protective, including this time,” said Studt. “And each time we’ve proposed changes to the program, they have been open to public review and comment.” The only change in environmental review pertains to intermittent streams, which are often no more than stormwater run-off. Allowing Corps regulators to address impacts to these streams with nationwide permits frees them up to focus on more significant environmental issues, like redesigning major projects for fewer impacts or enforcing required mitigation.

Floodplain restrictions. Every protection in place for floodplains in 2000 remains in place today.

Automatic approval. Nationwide permits pertain only to situations with minimal impacts (such as less than ½ acre), and each of these permits will still receive individual attention from Corps regulators (most of whom are biologists). Nationwide permits do not take as much time as individual permits, but that is as it should be, because projects requiring individual permits have greater than minimal impacts and therefore deserve more scrutiny.

Different standards for commercial versus residential developers. The same standard of minimal impact – ½ acre -- is applied for those who build shopping centers (commercial) as those who build neighborhoods (residential).

The full text of the nationwide permits is posted in the Jan. 15, 2002, Federal Register at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

For more information on the U.S. Army Corps of Engineers Regulatory Program, visit the program’s Web page at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

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