23 JUL 2001

CECW-OR

MEMORANDUM FOR THE RECORD

SUBJECT: Provisional Determination - Nationwide Permits

1. Reference 33 CFR 330.4 which requires the U.S. Army Corps of Engineers to make a provisional determination that the proposed nationwide permit (NWP) activities comply with the requirements for issuance under general permit authority prior to publishing the proposed issuance or reissuance of the NWPs.

2. This provisional determination is based on the enclosed 1996 NWP decision documents, the re-issued 1999 decision document for NWP 29, and the 2000 NWP decision documents for the replacement NWPs.

3. I have determined, subject to additional review and comments by the public and Federal, State, and local agencies and offices, that the proposed new and modified NWP activities are in compliance with the requirements for issuance under general permit authority. My provisional determination takes into consideration the definition of general permits at 33 CFR 322.2(f) and 323.2(h), the Section 404(b)(1) Guidelines, and the public interest. Furthermore, I have taken into account the terms and conditions of the NWPs and the provisions for discretionary authority for classes of activities, geographic areas, and specific activities.

4. This is a provisional determination and subject to change, based upon review and comment before making a final decision on the NWPs.

FOR THE COMMANDER:

Encls

HANS VAN WINKLE
Major General, USA
Director of Civil Works