



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORTH ATLANTIC DIVISION
FORT HAMILTON MILITARY COMMUNITY
302 GENERAL LEE AVENUE
BROOKLYN, NY 11252-6700

CENAD-PD-OR (800B-11)

11 FEB 2021

MEMORANDUM FOR THE RECORD

SUBJECT: Supplemental Documents for the 2021 Nationwide Permits, which were published in the 13 January 2021 issue of the *Federal Register* (86 FR 2744).

1. In the 13 January 2021 issue of the *Federal Register* (86 FR 2744), the U.S. Army Corps of Engineers (Corps) announced the reissuance and modification of 12 existing Nationwide Permits (NWP) and the issuance of four new NWP. In this *Federal Register* notice, the Corps also announced the reissuance and modification of 32 existing NWP general conditions. These 16 NWP and their general conditions go into effect on 15 March 2021.

2. For each of the reissued and new NWP, HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and if the NWP authorizes discharges of dredged or fill material into waters of the United States, a Clean Water Act Section 404(b)(1) Guidelines analysis. The division engineer has the authority to assert discretionary authority by modifying, suspending, or revoking NWP authorizations for a specific geographic area, class of activity, or class of waters, whenever he or she determines there are sufficient concerns for the environment under the Clean Water Act Section 404(b)(1) Guidelines or for any other factor of the public interest, or if he or she determines that the NWP would result in more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.4(e)(1)). In accordance with 33 CFR 330.5(c)(1)(iii), division engineers prepare supplemental documents for the NWP. The supplemental documents address locally important factors relating to the environment, the public interest, and when applicable, compliance with the 404(b)(1) Guidelines, to ensure that the NWP authorize only those activities that result in no more than minimal individual and cumulative adverse environmental effects. Division engineers may also suspend or revoke one or more NWP in a specific geographic area.

3. Each supplemental document for a NWP also discusses, as appropriate, regional conditions that are necessary to ensure that activities authorized by that NWP will result in no more than minimal individual and cumulative adverse environmental effects.

4. There are no NWP that will be suspended or revoked in the Commonwealth of Virginia.

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5. Based on the considerations discussed in each of the supplemental documents and in accordance with 33 CFR 330.4(e)(1) and 330.5(c), I have determined that each NWP that will be available for use in the Commonwealth of Virginia will authorize only those activities that result in no more than minimal individual and cumulative adverse environmental effects.

6. The point of contact is Ms. Naomi Handell, Regulatory Program Manager, (917) 789-4841.



THOMAS J. TICKNER
Brigadier General, US Army
Commanding