

We have received several questions concerning the various effective dates of the nationwide permits (NWP). The following guidance should clarify the transition between the current NWPs and the NWPs published in the January 15, 2002, Federal Register:

1. The expiration and effective dates in the January 15, 2002, Federal Register, were in error for some of the NWPs. The correct dates are as follows:
  - a. For all current NWPs (except for NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44), the expiration date is February 11, 2002. The current NWP 31 will also expire on February 11, 2002.
  - b. The expiration date for the current NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44, is March 18, 2002.
  - c. The NWPs published in the January 15, 2002, Federal Register become effective on March 18, 2002, and will expire on March 18, 2007.
2. There will be a period of approximately five weeks during which only NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44 (as published in the March 9, 2000, Federal Register), will be in effect. Activities can be authorized by these NWPs during this five week period, under the terms and conditions of the March 9, 2000, NWPs, plus any regional conditions currently in effect. If the authorized work is under construction, or under contract for construction, before March 18, 2002, those activities will continue to be authorized for one year after the expiration date under the terms and conditions of the March 9, 2000, NWPs (see 33 CFR 330.6(b)).
3. If a project proponent receives an NWP verification for an activity authorized by NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44 prior to March 18, 2002, but will not begin construction or will not be under contract for construction before the expiration date, that request can be reverified under the January 15, 2002, NWPs, after the effective date of March 18, 2002, provided the proposed work meets the terms and conditions of the January 15, 2002, NWPs.
4. Activities currently authorized by NWPs other than NWPs 3, 7, 12, 14, 27, 39, 40, 41, 42, 43, and 44, are authorized until February 11, 2002. If the authorized work is under construction, or under contract for construction, before February 11, 2002, those activities will continue to be authorized for one year after February 11, 2002, under the terms and conditions of the December 13, 1996, NWPs (see 33 CFR 330.6(b)). Pre-construction notifications or verification requests that cannot be finalized prior to February 11, 2002, should be processed under the January 15, 2002, NWPs. Activities authorized by the January 15, 2002, NWPs cannot begin construction until March 18, 2002.
5. Prospective permittees can submit pre-construction notifications or NWP verification requests for the January 15, 2002, NWPs at any time, but 45 day clock will not start until March 18, 2002.
6. To correct the errors in the January 15, 2002, Federal Register notice, we are preparing a correction notice for publication in the Federal Register. We will notify you when that correction notice will be published.