



February 6, 2017

Vlad Dorjets
White House Office of Management and Budget
Office of Information and Regulatory Affairs
Natural Resources and Environment Branch
725 17th Street, NW
Washington, DC 20503

Dear Mr. Dorjets:

Subject: Needed OMB-issued exception for effective date of rule implementing Section 404 Nationwide General Permits.

The Environmental Council of the States (ECOS), the Association of Clean Water Administrators (ACWA) and the Association of State Wetlands Managers (ASWM) write to you today to urge the Office of Management and Budget (OMB) to allow the final rule to go forward for reissuance of the Clean Water Act Section 404 Nationwide General Permits (NWP) published in the Federal Register on January 6, 2017 and scheduled to go into effect on March 19, 2017 the day after the existing nationwide permits expire. These permits are essential for an efficient and predictable permitting process for the regulated community and should be granted an exception by the Acting Director of the Office of Management and Budget.

ECOS, ACWA and ASWM jointly sent a letter to your office on May 4, 2016, reinforcing the importance of the reissuing NWP in a timely manner. Under the Clean Water Act, the NWP expire and are reissued by the U.S. Army Corps of Engineers (USACE) every five years. Collectively approximately 65,000 actions are authorized through the NWP program annually. They provide an efficient and effective mechanism to protect the aquatic environment, serve the public interest, and allow for an efficient and predictable permitting process for the regulated construction community. Any delay in reissuing NWP could have a negative impact on the spring building and construction season.

If the NWP are not renewed on March 19, 2017 when the existing NWP expire, then USACE would require individual permits for all activities until the rule reissuing the NWP goes into effect. Even if this reissuance is delayed only a few days, USACE would need to issue national guidance informing Corps Districts on how to proceed in the absence of the nationwide permits. This would likely lead to confusion among permit applicants nationally and that confusion can be easily avoided if an emergency



exception is granted. The consequences of a delay in the finalization of this rule would place unnecessary burden on states.

Thank you for considering this request and should you need any additional information, please feel free to reach out to any one of us.

Sincerely,

Alexandra Dunn
Executive Director, ECOS

Julia Anastasio
Executive Director, ACWA

Jeanne Christ
Executive Director, ASWM