

From: David Jaffe [djaffe@p-a-c-e.com]
Sent: Monday, November 27, 2006 1:41 PM
To: Olson, David B HQ02
Subject: Comments for the reissuance of the existing nationwide permits (NWP), general conditions and definitions; docket number COE-2006-0005, ZRIN number 0710-ZA02

David A. Jaffe, PhD, PE

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November 21, 2006

U.S. Army Corps of Engineers

Attn: CECW-OR/MVD (David B. Olson)

441 G Street NW., Washington, DC 20314-1000

david.b.olson@usace.army.mil.

RE: Comments for the reissuance of the existing nationwide permits (NWP), general conditions and definitions; docket number COE-2006-0005, ZRIN number 0710-ZA02

Dear Mr. Olson;

Below, please find comments regarding the above referenced docket number for the reissuance of the existing nationwide permits (NWP), general conditions and definitions.

1. In multiple NWP (29, 39, 40 and 42), a waiver for the limit of 300 linear feet of impacts to jurisdictional waters may be obtained on a case-by-case basis. No information is provided on the format or contents of the written waiver request for the applicant. Additionally, no information is included on the judgment criteria or the review time of the waiver request by Corps personnel. To avoid an indefinite review period with uncertain criteria, it is recommended that a review time, criteria and other guidance be specified for this waiver in the pertinent NWP.

2. It appears that the revised NWP 12 is to be issued only in cases of permanent losses. However, under the proposed revisions, a PCN would be required for both temporary and permanent losses greater than 1/10 acre. Because this difference may cause significant confusion, it is recommended that this NWP's PCN requirements match the permit conditions.

3. In proposed GC 17 and GC 18, it is noted that the District Engineer has 45 days to notify the applicant if additional consultation is required for endangered species and historic properties, respectively. It is not clear from the wording that if no notification is provided in this period, the Corps automatically grants that no additional consultation is needed. It is recommended that this wording be changed to indicate that authorization is granted automatically following the 45-day period.

4. It is noted that for NWPs that have both an acreage limit and a linear foot limit for stream bed impacts that the acreage of stream impacts applies towards the acreage limit. The example calculation directs that the average stream width be multiplied by the impacted stream length to determine the impacted area. Because modern surveying and CAD technology can provide calculations more accurate than average area estimate calculations it is recommended that the actual calculations of acreage impacts be provided to the Corps whenever possible for determining areas of impacts.

Thank you for your consideration.

Sincerely,

David A. Jaffe, PhD, PE

Senior Project Engineer

On behalf of Pacific Advanced Civil Engineering, Inc. (PACE)

David A. Jaffe, Ph.D., P.E.

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