



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
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Public Notice Date: February 22, 2011
Expiration Date for Comments: April 8, 2011

Proposal to Reissue and Modify Nationwide Permits

On February 16, 2011, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 48 of its existing Nationwide Permits (NWP) and issue two new NWP. Anyone wishing to provide comments may obtain a full text copy of the NWP through the Corps headquarters Home Page at <http://www.usace.army.mil/CECW/Pages/nnpi.aspx>, www.regulations.gov, docket number COE-2010-0035, or the Federal Register at <http://www.gpoaccess.gov/fr/index.html>.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Many of the proposed NWP require notification to the district engineer before commencing the work, to ensure that the activities authorized by those NWP have minimal individual and cumulative adverse impacts on the aquatic environment.

National Issues Concerning the Proposed NWP: The Federal Register notice is the public's opportunity to comment on the proposed NWP, general conditions, and definitions. Comments on national issues relating to these NWP should be submitted to docket number COE-2010-0035 at www.regulations.gov, or by email to NWP2012@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the February 16, 2011 Federal Register notice. Comments on the proposed NWP are due by **April 18, 2011**.

Regional Issues Concerning the Proposed NWP, Including Regional Conditioning: Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the NWP are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWP in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWP may be more than minimal. To view the proposed Regional Conditions dated February 14, 2011, please go to the Corps Seattle District website at www.nws.usace.army.mil, select Regulatory Permits, then select "News and Updates" and "Public Notices." To request a paper copy of the proposed regional conditions via U.S. mail, please contact Ms. Shannon Wilson at the Corps Seattle District, (206) 764-6184 or via email Shannon.B.Wilson@usace.army.mil. The Seattle District is seeking comments on the proposed regional

conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWP's are minimal. All proposed regional conditions are applicable for activities in Washington State. Comments on regional issues relating to the proposed NWP's and regional conditions should be sent to Ms. Kristina Tong, U.S. Army Corps of Engineers, Seattle District, Post Office Box 3755, Seattle, Washington, 98124 or via email to Kristina.G.Tong@usace.army.mil. Comments relating to regional conditions are due by **April 8, 2011**. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

These proposed regional conditions will be reviewed by the Corps Northwestern Division in Portland, Oregon. After the final NWP's are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWP's are issued, States and Tribes will make their Clean Water Act Section 401 (401) water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of the Federal Register notice announcing the issuance of the NWP's. The final NWP's will go into effect on or before March 19, 2012.

Draft decision documents, which include environmental documentation required by the National Environmental Policy Act, have been prepared by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's, are available for viewing on the Internet at the Corps headquarters Home Page at <http://www.usace.army.mil/CECW/Pages/nnpi.aspx> or www.regulations.gov, docket number COE-2010-005. Final decision documents will be prepared for those NWP's that are issued. In addition, the national NWP decision documents will be supplemented by Division Engineers to address their decisions concerning regional conditions for the NWP's.

Listed below is an index of the proposed NWP's, conditions, and definitions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through the Corps headquarters Home Page at <http://www.usace.army.mil/CECW/Pages/nnpi.aspx>, www.regulations.gov, docket number COE-2010-0035, the Federal Register at <http://www.gpoaccess.gov/fr/index.html>, or the Corps Seattle District website at www.nws.usace.army.mil, select Regulatory Permits, then select "News and Updates" and "Public Notices".

Index of Proposed Nationwide Permits, Conditions, and Definitions

Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas

10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil and Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Existing Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
- A. Land-Based Renewable Energy Generation Facilities
- B. Water-Based Renewable Energy Generation Pilot Projects

Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes

8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Discovery of Previously Unknown Remains and Artifacts
15. Proper Maintenance
16. Single and Complete Project
17. Wild and Scenic Rivers
18. Tribal Rights
19. Endangered Species
20. Historic Properties
21. Designated Critical Resource Waters
22. Mitigation
23. Safety of Impoundment Structures
24. Water Quality
25. Coastal Zone Management
26. Regional and Case-by-Case Conditions
27. Use of Multiple Nationwide Permits
28. Transfer of Nationwide Permit Verifications
29. Compliance Certification
30. Pre-Construction Notification

Definitions

Best management practices (BMPs)
 Compensatory mitigation
 Currently serviceable
 Discharge
 Enhancement
 Ephemeral stream
 Establishment (creation)
 High Tide Line
 Historic property
 Independent utility
 Intermittent stream
 Loss of waters of the United States
 Non-tidal wetland
 Open water
 Ordinary high water mark
 Perennial stream
 Practicable
 Pre-construction notification
 Preservation
 Re-establishment
 Rehabilitation
 Restoration
 Riffle and pool complex
 Riparian areas
 Shellfish seeding
 Single and complete linear project
 Single and complete non-linear project

Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Structure
Tidal wetland
Vegetated shallows
Waterbody