



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 8, 2012

Michelle Walker  
Seattle District, Corps of Engineers  
P.O. Box 3755  
Seattle, WA 98124-3755

RE: State of Washington decisions on Section 401 Water Quality Certification and Coastal Zone Consistency Determination in response to Department of the Army, Corps of Engineers "Notice of Reissuance of Nationwide Permits," published in the *Federal Register* February 21, 2012

Dear Ms. Walker:

The Department of Ecology (Ecology) has completed its review of the changes to the Nationwide Permit (NWP) program published in the *Federal Register* on February 21, 2012, to reissue all existing NWPs, modifications to the general conditions and definitions, and the issuance of two new NWPs, three new general conditions and three new definitions.

Ecology's review was conducted in response to the Army Corps of Engineers' (Corps) request for certification pursuant to Section 401 of the federal Clean Water Act and a request for concurrence with the state's Coastal Zone Management (CZM) Program pursuant to the federal Coastal Zone Management Act. The review determined whether there was reasonable assurance that the NWPs will not violate applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act and other applicable provisions of state law. Ecology also reviewed the NWPs for consistency with enforceable provisions of Washington's CZM Program.

In addition to the National and Regional Conditions, Ecology has developed State General 401 Certification Conditions and specific State 401 Certification Conditions. Pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341, these conditions which are set forth in the attached Certification/Consistency Determination are effective as of the date of this letter.

Ecology's State General 401 Certification conditions include the following:

- Compliance with water quality standards for in-water construction activities
- No further exceedence of specific listed parameter(s) in 303(d) listed waterbodies.
- Notification documentation required for review.
- Aquatic resources requiring special protection and mitigation.
- Approval of temporary fills in place for more than 90 days.
- Stormwater discharge pollution prevention
- State Certification for PCNs not receiving 45-day response



Below is a summary of Ecology's decisions regarding specific NWPs:

- Ecology certifies 401 Certification for:  
NWP # 1, 2, 4, 5, 7, 9, 10, 11 15, 18, 20, 22, 25, 28, 30, and 31
- Ecology certifies subject to specific 401 Certification conditions for:  
NWP # 3, 6, 12, 13, 14, 16, 19, 23, 27, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 48
- Ecology denies 401 Certification for:  
NWP # 8, 17, 21, 37, 44, 49, 50, 51, and 52

Regarding the Corps determination for consistency with the state CZM Program - Ecology has determined that the NWPs are consistent with the states CZM Program as stated below:

- Ecology concurs with the Corps's determination for the following:  
NWP # 1, 2, 4, 5, 7, 9, 10, 11 15, 18, 20, 22, 25, 28, 30, and 31
- Ecology concurs with conditions the Corps's determination for the following:  
NWP # 3, 6, 12, 13, 14, 16, 19, 23, 27, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 48
- Ecology objects to the Corps's determination for the following:  
NWP # 8, 17, 21, 37, 44, 49, 50, 51, and 52

See attached Certification/Consistency Determination – State of Washington Final Decisions and Conditions for Corps of Engineers Nationwide Permits. This document fully outlines Ecology's State General Conditions as well as Ecology's position on each NWP for Section 401 certification and the agency's CZM determination. Ecology's final decisions identified within the attached Certification/Consistency Determination may be appealed by following the procedures described on page 38 of that document.

Please contact Loree' Randall of my staff at (360) 407-6068 if you have any questions or would like additional information.

Sincerely,



Gordon White  
Program Manager  
Shorelands and Environmental Assistance  
Washington State Department of Ecology

Encl.

**Washington State, Department of Ecology's  
Certification/Consistency Determination  
For USACE Nationwide Permits  
June 8, 2012**

On February 21, 2012 the United States Department of Army, Corps of Engineers (USACE) requested Clean Water Act (CWA) Section 401 Water Quality Certifications and Coastal Zone Management Act Consistency Determinations from the Department of Ecology (Ecology) for the Nationwide Permits. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on March 22, 2012.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, and 16 U.S.C. § 1456, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

Through issuance of this Certification/Consistency Determination, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC and 16 U.S.C. § 1456, water quality certification and Coastal Zone Management Plan consistency is granted to the Applicants subject to the conditions within this Certification/Consistency Determination.

Certification of this proposal does not authorize the Applicants to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Certification/Consistency Determination shall absolve the Applicants from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

**A. STATE GENERAL 401 CERTIFICATION CONDITIONS**

In addition to all the USACE national and regional permit conditions, the following 401 Water Quality Certification conditions apply to all NWP categories certified or partially certified in the State of Washington.

1. **For in-water construction activities.** Individual 401 review is required for projects or activities authorized under NWPs that will cause, or be likely to cause or contribute to an exceedence of a State water quality standard (WAC 173-201A) or sediment management

standard (WAC 173-204).

*State water quality standards are posted on Ecology's website:  
<http://www.ecy.wa.gov/programs/wq/swqs/>. Click "Surface Water Criteria" for  
freshwater and marine water standards.*

*Sediment management standards are posted on Ecology's website:  
<http://www.ecy.wa.gov/biblio/wac173204.html>.*

Information is also available by contacting Ecology's Federal Permit staff.

2. **Projects or Activities Discharging to Impaired Waters.** Individual 401 review is required for projects or activities authorized under NWP's if the project or activity will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedences of the specific listed parameter.

To determine if your project or activity is in a 303(d) listed segment of a waterbody, visit Ecology's Water Quality Assessment webpage for maps and search tools,  
<http://www.ecy.wa.gov/programs/wq/303d/2008/>.

Information is also available by contacting Ecology's Federal Permit staff.

3. **Notification.** For projects or activities that will require Individual 401 review, applicants must provide Ecology with the same documentation provided to the Corps (as described in Corps Nationwide Permit General Condition 31, Pre-Construction Notification), including, when applicable:

- (a) A description of the project, including site plans, project purpose, direct and indirect adverse environmental effects the project would cause, and any other Department of the Army permits used or intended to be used to authorize any part of the proposed project or any related activity.

- (b) Delineation of special aquatic sites and other waters of the United States. Wetland delineations must be prepared in accordance with the current method required by the Corps and shall include Ecology's Wetland Rating form. Wetland rating forms are subject to review and verification by Ecology staff.

**NOTE:** *Wetland rating forms are available on Ecology's Wetlands website:  
<http://www.ecy.wa.gov/programs/sea/wetlands/ratingsystems> or by contacting  
Ecology's Federal Permit staff.*

- (c) A statement describing how the mitigation requirement will be satisfied. A conceptual or detailed mitigation or restoration plan may be submitted.

Mitigation plans submitted for Ecology review and approval shall be based on the guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (Ecology Publications #06-06-011a and #06-06-011b).

(d) Coastal Zone Management Program "Certification of Consistency" Form if the project is located within a coastal county (Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom counties).

**NOTE:** CZM Certification of Consistency forms are available on Ecology's Federal Permit website: <http://www.ecy.wa.gov/programs/sea/fed-permit/index.html> or by contacting Ecology's Federal Permit staff.

(e) Other applicable requirements of Corps Nationwide Permit General Condition 31, Corps Regional Conditions, or notification conditions of the applicable NWP.

**NOTE:** Ecology has 180 days from receipt of applicable documents noted above and a copy of the final authorization letter from the Corps providing coverage for a proposed project or activity under the NWP Program to issue a WQC and CZM consistency determination response. If more than 180 days pass after Ecology's receipt of these documents, your requirement to obtain an individual WQC and CZM consistency determination response becomes waived.

4. **Aquatic resources requiring special protection.** Certain aquatic resources are unique, difficult-to-replace components of the aquatic environment in Washington State. Activities that would affect these resources must be avoided to the greatest extent possible. Compensating for adverse impacts to high value aquatic resources is typically difficult, prohibitively expensive, and may not be possible in some landscape settings.

Individual 401 review is required for activities in or affecting the following aquatic resources (and not prohibited by Regional Condition 1):

(a) Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #04-06-025 and #04-06-015):

- Estuarine wetlands
- Natural Heritage wetlands
- Bogs
- Old-growth and mature forested wetlands
- Wetlands in coastal lagoons
- Interdunal wetlands
- Vernal pools
- Alkali wetlands

(b) Fens, aspen-dominated wetlands, camas prairie wetlands, and marine water with eelgrass (*Zostera marina*) beds (except for NWP 48).

(c) Category 1 wetlands

(d) Category II wetlands with a habitat score  $\geq 29$  points.

This State General Condition does not apply to the following Nationwide Permits:

NWP 20 – *Response Operations for Oil and Hazardous Substances*

NWP 32 – *Completed Enforcement Actions*

**5. Mitigation.** For projects requiring Individual 401 review, adequate compensatory mitigation must be provided for wetland and other water quality-related impacts of projects or activities authorized under the NWP Program.

(a) Mitigation plans submitted for Ecology review and approval shall be based on the guidance provided in Wetland Mitigation in Washington State, Parts 1 and 2 (Ecology Publications #06-06-011a and #06-06-011b) and shall, at a minimum, include the following:

- i. A description of the measures taken to avoid and minimize impacts to wetlands and other waters of the U.S.
- ii. The nature of the proposed impacts (i.e., acreage of wetlands and functions lost or degraded)
- iii. The rationale for the mitigation site that was selected
- iv. The goals and objectives of the compensatory mitigation project
- v. How the mitigation project will be accomplished, including construction sequencing, best management practices to protect water quality, proposed performance standards for measuring success and the proposed buffer widths
- vi. How it will be maintained and monitored to assess progress towards goals and objectives. Monitoring will generally be required for a minimum of five years. For forested and scrub-shrub wetlands, 10 years of monitoring will often be necessary.
- vii. How the compensatory mitigation site will be legally protected for the long term.

Refer to Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Ecology Publication #06-06-011b) for guidance on developing mitigation plans.

Ecology encourages the use of alternative mitigation approaches, including advance mitigation and other programmatic approaches such as mitigation banks, in-lieu fee, and programmatic mitigation areas at the local level. If you are interested in proposing use of an alternative mitigation approach, consult with the appropriate Ecology regional staff person.

(see <http://www.ecy.wa.gov/programs/sea/wetlands/contacts.htm>)

Information on the state wetland mitigation banking program is available on Ecology's website:  
<http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/index.html>

Information on the state in-lieu fee wetland mitigation program is available on Ecology's website: <http://www.ecy.wa.gov/mitigation/ilf.html>

6. **Temporary Fills.** Individual 401 review is required for any project or activity with temporary fill in wetlands or other waters of the State for more than 90 days, unless the applicant has received written approval from Ecology.

*NOTE: This State General Condition does not apply to projects or activities authorized under NWP 33, Temporary Construction, Access, and Dewatering*

7. **Stormwater discharge pollution prevention:** All projects that involve land disturbance or impervious surfaces must implement prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the state.

For land disturbances during construction, the permittee must obtain and implement permits where required and follow Ecology's current stormwater manual.

Stormwater permit information is available at Ecology's Water Quality website:  
<http://www.ecy.wa.gov/programs/wq/stormwater/index.html>.

Ecology's Stormwater Management and Design Manuals are available at:  
<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/StrmwtrMan.html>.

Information is also available by contacting Ecology's Federal Permit staff.

8. **State Certification for PCNs not receiving 45-day response.** In the event the U.S. Army Corps of Engineers does not respond to a complete pre-construction notification within 45 days, the applicant must contact Ecology for Individual 401 review.

## **B. NATIONWIDE SPECIFIC 401 CERTIFICATION CONDITIONS**

In addition to compliance with the General Conditions above, the following conditions apply to the specified Nationwide Permits issued for projects occurring in the State of Washington:

### **1. Aids to Navigation.**

**Regional Conditions** – None.

**CZM Consistency Response** – Concur.

**STATE 401 Certification – Certified**

**2. Structures in Artificial Canals.**

**Regional Conditions – None.**

**CZM Consistency Response – Concur.**

**STATE 401 Certification – Certified**

**3. Maintenance.**

**Regional Conditions – None.**

***NOTE 1:** To facilitate and expedite our review of the applicability of this NWP to your project, submit information on previous Corps authorizations, current state of the existing structure or fill, and current and proposed use of structure or fill.*

***NOTE 2:** If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

***NOTE 3:** Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

***NOTE 4:** The Seattle District, other federal, state and local agencies and tribes are concerned about the potential cumulative environmental impacts of bank stabilization projects. The Seattle District will carefully review all applications involving bank stabilization activities and use its discretionary authority to require Department of the Army authorization by standard individual permit for any project that would have more than a minimal individual or cumulative adverse impact on the aquatic environment.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.
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**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification – Certified subject to conditions.** Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activities are below the Ordinary High Water Mark with new work being proposed outside the original footprint.

2. The proposed project or activity increases the original footprint of the structure by more than 1/10<sup>th</sup> acre in wetlands.

*NOTE: This may include causing surrounding wetlands to be drained.*

3. The project or activity includes adding a new structure, such as a weir, flap gate/tide gate, or culvert to the site.

*NOTE: "Original footprint" refers to the configuration of the structure or filled area within the last two years.*

#### **4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.**

##### **Regional Conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 Pre-Construction Notification for grading, berm construction, placement of substrate, and other activities involving a discharge of dredged or fill material.
2. The commercial harvest of clams by means of hydraulic escalator harvester equipment is not authorized by this NWP.

*NOTE 1: Shellfish seeding activities are not authorized by NWP 4. The discharge of shells, shell fragments, gravel, etc, may be authorized by NWP 48.*

*NOTE 2: This NWP does not apply to fish hatcheries, net pens, or other structures for aquaculture activities to propagate non-motile species such as mussels and oysters.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.
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**CZM Consistency Response – Concur**

**STATE 401 Certification – Certified**

#### **5. Scientific Measurement Devices.**

##### **Regional Conditions –**

1. Devices and any structures or fills associated with the devices must be completely removed within 30 days upon completion of the use of the device to measure and record scientific data and the site restored to its original condition.

2. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 for Pre-Construction Notification for the construction of weirs and flumes that do not meet Washington Department of Fish and Wildlife fish passage design criteria (see [http://www.wdfw.wa.gov/hab/engineer/cm/culvert\\_manual\\_final.pdf](http://www.wdfw.wa.gov/hab/engineer/cm/culvert_manual_final.pdf)).
3. The quantity of discharged material and the volume of area excavated must not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line and the discharge will not cause the loss of more than 1/10<sup>th</sup> of an acre of waters of the U.S.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response – Concur**

**STATE 401 Certification – Certified**

## 6. Survey Activities.

### Regional Conditions –

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 for Pre-Construction Notification for exploratory trenching activities and any project or activity involving oil or natural gas exploration.
2. The quantity of discharged material and the volume of area excavated must not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line and the discharge will not cause the loss of more than 1/10<sup>th</sup> of an acre of waters of the U.S.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection.

### **CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification – Certified subject to conditions.** Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity involves oil or natural gas exploration.
2. The project or activity requires trenching in wetlands.

## 7. Outfall Structures and Associated Intake Structures.

### Regional Conditions —

1. The pre-construction notification must include the following information: location and size of any submerged aquatic vegetation beds in the project vicinity (a formal survey may be required) and location and size of forage fish spawning areas in the project vicinity (e.g., documented or potential Pacific sand lance (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasii*), surf smelt (*Hypomesus pretiosus*), and Pacific eulachon (*Thaleichthys pacificus*)).

*NOTE 1: If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

*NOTE 2: Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection.

**CZM Consistency Response – Concur**

**State 401 Certification – Certified.**

## 8. Oil and Gas Structures on the Outer Continental Shelf.

**Regional Conditions – None.**

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification – Denied without prejudice.**

Individual 401 Certification is required for all projects or activities under this NWP.

## 9. Structures in Fleeting and Anchorage Areas.

**Regional Conditions — None.**

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response — Concur**

**STATE 401 Certification — Certified**

**10. Mooring Buoys.**

**Regional Conditions —**

1. NWP 10 may not be used in any waterbody the Washington State Department of Health has designated as “closed” to shellfish harvesting (due to the number of boats moored in the waterbody). The Seattle District will publish the list of closed waterbodies in a Special Public Notice as waterbodies are added or removed from this list.

2. NWP 10 may not be used in any waterbody the Washington State Department of Health has designated as “threatened” due to the number of boats moored in the waterbody. This designation is made on an annual basis by the Washington State Department of Health. The Seattle District will publish the list of threatened waterbodies in a Special Public Notice as waterbodies are added or removed from this list.

**NOTE 1:** *At the time of publication of this Special Public Notice, no waterbodies are listed as “closed” and Filucy Bay is listed as “threatened”. Check with the Seattle District for the current list of “closed” or “threatened” waterbodies.*

**NOTE 2:** *To minimize impacts and to expedite Endangered Species Act review, we recommend applicants complete and follow the terms and conditions detailed in the Programmatic Consultation Specific Project Information Form for Mooring Buoys located on Seattle District’s web page, [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select Regulatory/Permits, then Permit Guidebook, Chapter VI.a. Endangered Species). This includes the completion and submittal of a survey of submerged aquatic vegetation (e.g., kelp and eelgrass). The appropriate survey protocols must be undertaken. These protocols can be found at the [Washington State Department of Fish and Wildlife](http://www.wa.gov) website. In addition, the Corps’ programmatic ESA protocols require surveying a larger area encompassing 25 feet plus the length of the moored vessels from vegetated shallows.*

**NOTE 3:** *Washington State Department of Natural Resources has specific guidance for installation of mooring buoys on state-owned aquatic lands. [How Do I Authorize My Mooring Buoy?](http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr_mooring_buoy.aspx) [http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr\\_mooring\\_buoy.aspx](http://www.dnr.wa.gov/recreationeducation/howto/homeowners/pages/aqr_mooring_buoy.aspx) All projects proposed to occur on State-owned aquatic lands will require separate authorization from WDNR. For further information contact the WDNR’s Aquatic Resources Division at (360) 902-1100 or [Leasing & Land Transactions](#).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 3, Projects or activities discharging to impaired waters.

**CZM Consistency Response** – Concur.

**STATE 401 Certification** – Certified

## 11. Temporary Recreational Structures –

**Regional Conditions** – None.

*NOTE: To minimize impacts and to expedite ESA review, we recommend that temporary recreational structures do not exceed 4 per acre and floats be no larger than 400 square feet in total overwater coverage.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** – Concur.

**STATE 401 Certification** – Certified

## 12. Utility Line Activities.

**Regional Conditions** –

1. When backfilling trenches in wetlands, no more than 10 percent of the soil used to backfill the top 12 inches of the trench may consist of subsurface soil.
2. The permittee must submit a pre-construction notification to the District Engineer in accordance with National General Condition 31 (Pre-Construction Notification) for mechanized land clearing in a forested wetland for the construction of a substation.
3. A pre-construction notification must include drawings and/or a description of the measures that will be used to prevent permanent drainage of adjacent areas by the backfilled trench and/or along the buried utility line.

*NOTE 1: In waters subject to scour, permittee may be required to determine the scour level for the watercourse the utility line will cross and may be required to place the line below the scour level of the watercourse.*

*NOTE 2: The National Ocean Service (NOS) must be notified when the Corps authorizes a submerged utility line. The applicant must notify the NOS and the Corps in writing, at least 2*

*weeks before work begins and upon completion of the activity authorized by this permit. The notification of completion must include a drawing which certifies the location and configuration of the completed activity. Notifications to NOS should be sent to: NOAA/NOS, Office of Coast Survey, N/CS261, 1315 East-West Highway, Silver Spring, Maryland 20910-3283.*

**NOTE 3:** *Utility lines constructed under Section 10 navigable waters of the U.S. require a permit from the Corps.*

**NOTE 4:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 5:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection, SGC, Temporary Fills, and SGC 8, Stormwater discharge pollution prevention.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification –** Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The entire utility line project or activity impacts more than ½ acre of wetlands.

**NOTE:** *Projects or activities that need a FERC license will be required to obtain an Individual 401 Certification as part of the FERC license process.*

**13. Bank Stabilization.**

**Regional Conditions –** None.

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

**NOTE 3:** *Fills for bank stabilization in special aquatic sites, including pool and riffle complexes, wetlands, and mudflats are discouraged.*

**NOTE 4:** *The length of a bank protection project, especially in the case of barbs, is measured as*

*the total length of shoreline/bank to be protected by the structure(s).*

**NOTE 5:** *The Seattle District, other federal, state and local agencies and tribes are concerned about the potential cumulative environmental impacts of bank stabilization projects. The Seattle District will carefully review all applications involving bank stabilization activities and use its discretionary authority to require Department of the Army authorization by standard individual permit for any project that would have more than a minimal individual or cumulative adverse impact on the aquatic environment.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SCG 3, Notification, and SGC 4, Aquatic resources requiring special protection.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification – Certified subject to conditions.**

1. Individual 401 Certification is required for new, or expansion of existing, bank stabilization in marine and estuarine waters of Puget Sound.
2. Individual 401 review is required for projects or activities authorized under this NWP if:
  - a. The project or activity is greater than 500 feet in length.
  - b. The project or activity has not been designed and stamped by a Professional Engineer or Engineering Geologist.
  - c. The project or activity exceeds an average of one cubic yard per running foot below the Ordinary High Water Mark or High Tide Line.
  - d. The project or activity involves discharges of dredged or fill material into special aquatic sites.

**14. Linear Transportation Crossings.**

**Regional Conditions –**

1. Private linear transportation crossings placed in waters of the U.S. with footprints wider than 22 feet or longer than 200 feet are not authorized by this NWP. For the width requirement, “footprint” refers to the footprint of the width of the roadway fill prism.
2. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification)

for linear transportation crossing activities in tidal waters.

**NOTE 1:** Applicants must provide information in the PCN about changes in base and peak flows and water quality impacts that would result directly or indirectly from the proposed linear transportation crossing as required by NWP General Conditions 9 (Management of Water Flows), 25 (Water Quality), and 31 (Pre-Construction Notification).

**NOTE 2:** If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.

**NOTE 3:** Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection, SGC, Temporary Fills, and SGC 8, Stormwater discharge pollution prevention.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The entire linear transportation project or activity impacts more than ½ acre of wetlands or more than 1/3 acre tidal waters.
2. The project includes fill related to a residential and/or commercial development

**15. U.S. Coast Guard Approved Bridges**

**Regional conditions** – None.

**NOTE 1:** If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.

**NOTE 2:** Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).

**NOTE 3:** A list of navigable waters of the United States in Washington State is available at: [http://www.nws.usace.army.mil/PublicMenu/documents/REG/Navigable\\_waters.pdf](http://www.nws.usace.army.mil/PublicMenu/documents/REG/Navigable_waters.pdf)

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** – Concur.

**STATE 401 Certification** – Certified

*NOTE: An Individual 401 will be required as part of the Coast Guard permit process.*

## 16. Return Water from Upland Contained Disposal Areas.

**Regional conditions** – None.

*NOTE: The applicant must ensure that suspended contaminated sediments are not re-entering the waterways and impacting state-owned aquatic lands. All projects impacting State-owned aquatic lands will require separate authorization from WDNR. For further information contact the WDNR's Aquatic Resources Division at (360) 902-1100 or Leasing & Land Transactions.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 2, Projects or activities discharging to impaired waters.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity is in or adjoining a cleanup site.

*NOTE: To determine if your project is in or adjacent to a cleanup site, visit Ecology Cleanup Projects search tool: <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>*

## 17. Hydropower Projects.

**Regional conditions** – None.

*NOTE 1: If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

*NOTE 2: Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification – Denied without prejudice.**

Individual 401 Certification is required for all projects or activities under this NWP.

**18. Minor Discharges.**

**Regional conditions – None.**

*NOTE 1: If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

*NOTE 2: Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 1, In-water construction activities, and SGC 4, Aquatic Resources Requiring Special Protection.

**CZM Consistency Response – Concur.**

**STATE 401 Certification – Certified**

**19. Minor Dredging.**

**Regional conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) for dredging proposed to occur in submerged aquatic vegetation, riffle and pool complexes, or mudflats.

*NOTE: The applicant must ensure that suspended contaminated sediments are not re-entering the waterways and impacting state-owned aquatic lands. All projects impacting State-owned aquatic lands will require separate authorization from WDNR. For further information contact the WDNR's Aquatic Resources Division at (360) 902-1100 or Leasing & Land Transactions.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 1, In-water construction activities, SGC 2, Projects or activities discharging to impaired waters, and SGC 4, Aquatic resources requiring special protection.

**CZM Consistency Response – Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification – Certified subject to conditions.** Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity is in or adjoining a cleanup site.

*NOTE: To determine if your project is in or adjacent to a cleanup site, visit Ecology Cleanup Projects search tool: <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>*

**20. Oil Spill Cleanup.**

**Regional conditions –**

1. For spill response training exercises in special aquatic sites, the discharge of dredged or fill material must not cause the loss of greater than ½ of an acre of waters of the U.S.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response – Concur.**

**STATE 401 Certification – Certified**

**21. Surface Coal Mining Activities.**

**Regional conditions –**

1. Reclamation to OSM standards must be completed within 5 years of the completion of mining in individual mining pits.
2. Permittees must provide compensatory mitigation for both temporal and permanent losses of aquatic ecosystem functions in waters of the U.S. See Nationwide Permit General Condition 22 for mitigation requirements.
3. No activity can result in the loss of greater than 300 linear feet of intermittent and

ephemeral stream beds.

**NOTE:** *The applicant must ensure that contaminated water being generated during these operations is not reaching open and impacting state-owned aquatic lands. All projects impacting State-owned aquatic lands will require separate authorization from WDNR. For further information contact the WDNR's Aquatic Resources Division at (360) 902-1100 or Leasing & Land Transactions.*

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification – Denied without prejudice.**

Individual 401 Certification is required for all projects or activities under this NWP.

**22. Removal of Vessels.**

**Regional conditions –**

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response – Concur.**

**STATE 401 Certification – Certified**

**23. Approved Categorical Exclusions.**

**Regional Conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) in all instances. The notification must include a statement/form verifying the proposed work is categorically exempt. The statement/form must be signed by an official of the Federal agency that issued the categorical exemption.

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity has fill impacts to waters of the state greater than ½ acre.

**24. State Administered Section 404 Program.**

There is no State administered Section 404 program in Washington.

**25. Structural Discharges.**

**Regional Conditions -- None.**

**NOTE:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** – Concur.

**State 401 Certification** – Certified.

**26. [Reserved]**

**27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities.**

**Regional Conditions –**

1. For projects subject to pre-construction notification, the notification must explain why the loss is necessary and show how it would be fully offset by the beneficial impacts of the project. The notification must describe pre-project site conditions (including photographs), general wetland and other aquatic functions the site provides, benefits anticipated from project construction, and proposed maintenance and monitoring plans.

2. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) for any proposed project located in a Department of the Army permit compensatory mitigation site, Comprehensive Environmental Response, Compensation and Liability Act (Superfund) site, Resource Conservation and Recovery Act hazardous waste clean-up site, or Washington State Model Toxics Control Act clean-up site.

**NOTE 1:** *Restoration projects involving shellfish seeding must use shellfish naturally present within the watershed (native shellfish) to be considered a restoration proposal under NWP 27.*

**NOTE 2:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 3:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 1, In-water construction activities, SGC 3, Notification, and SGC 4, Aquatic resources requiring special protection.
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**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification –** Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity involves fill in tidal waters.
2. The project or activity affects 1/2 acre or more of wetlands.

**28. Modification of Existing Marinas.**

**Regional Conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in

accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) in all instances.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response – Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP and have a potential to discharge to waters of the state and/or have a potential to re-suspend sediments if:

1. The project or activity is in or adjoining a cleanup site.

*NOTE: To determine if your project is in or adjacent to a cleanup site, visit Ecology Cleanup Projects search tool: <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>*

## 29. Residential Developments.

### Regional Conditions –

1. For activities associated with multi-phase residential, commercial, institutional, or recreational development projects, including real estate subdivisions, the pre-construction notification must include a history of the entire property involved in the project, including information about subdivisions of the property and past work on the property in or affecting waters of the United States. Required documentation includes copies of the original plat and State Environmental Policy Act (SEPA) determination(s) for the property, including the SEPA checklist. The District Engineer may allow a variance to specific requirements of this condition on a case-by-case basis.
2. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

*NOTE 1: We are concerned about the potential cumulative environmental impacts of multi-phase residential, commercial, institutional, and recreational development projects. We will carefully review all applications involving multi-phase development projects and use its discretionary authority to require Department of the Army authorization by a standard individual permit for any phase that would have more than a minimal individual or cumulative adverse impact on the aquatic environment. The Seattle District will consider the cumulative loss of more than 0.5 of an acre of waters of the United States to be a strong indicator that the cumulative adverse environmental impact of the proposed work and development project are more than minimal.*

**NOTE 2:** *To minimize impacts, we recommend that residential developments utilize low impact development methods, such as, but not limited to, pervious surfaces, rain gardens, and native landscaping.*

**NOTE 3:** *To facilitate our review of ESA impacts, please provide the amount of new impervious surfaces (including access roads, buildings, parking lots, etc), amount of new semipervious surfaces (i.e., landscaped areas), best management practices, proposed stormwater treatment and design criteria, and mitigation measures for stormwater impacts.*

**NOTE 4:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 5:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection, SGC 6, Temporary fills, and SGC 8, Stormwater Discharge pollution prevention.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The residential development has impacts to waters of the state greater than ¼ acre.
2. The project is a subdivision. (NOTE: “Subdivision” is the division or redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.)

**30. Moist Soil Management for Wildlife.**

**Regional Conditions** – None

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** – Concur.

**STATE 401 Certification** – Certified

### 31. Maintenance of Existing Flood Control Facilities.

**Regional Conditions** – None

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** – Concur.

**STATE 401 Certification** – Certified

### 32. Completed Enforcement Actions

**Regional Conditions** – None

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity has impacts to waters of the state greater than  $\frac{1}{4}$  acre.

### 33. Temporary Construction, Access and Dewatering.

**Regional Conditions** –

1. Temporary fills may be left in place no longer than six months unless the permittee requests and receives a waiver from the District Engineer.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. Temporary fills are placed in more than ½ acre of wetlands and left in place for more than 90 days.
2. Temporary fills are left in place for longer than six months.

### 34. Cranberry Production Activities.

**Regional Conditions** – None.

***NOTE 1:** The boundaries of an “existing cranberry production operation” are verified by the Corps on a case-by-case basis. In most cases, these boundaries coincide with the boundaries of the existing contiguous cranberry operation property. A cranberry operator may modify up to 10 acres of waters of the U.S. during the lifetime of a cranberry operation provided there is no net loss of wetland acreage. An operator may continue to manipulate those 10 acres of wetlands to produce cranberries during each 5-year period the NWP is valid; however the operation may not be expanded beyond those 10 acres without authorization by standard individual permit.*

***NOTE 2:** Mitigation may be required to compensate for temporal losses of wetland functions. Please refer to Seattle District’s “Guidelines for Implementation of Compensatory Mitigation Requirements for Conversion of Wetlands to Cranberry Bogs” for additional information. These guidelines are available on the Internet at: [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select Regulatory, then Regulatory Permits, Permit Guidebook, Chapter II.a.iii Nationwide Permits.)*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.
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### **CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP unless the proposed project meets 1 or 2 below:

1. The proposed expansion area:
  - (a) At the time of the State’s certification of this NWP, did not or currently does not include forested wetland with trees of 8" diameter or greater at Breast Height or provide 30% or greater of the areal canopy coverage of that wetland. The burden of proof is on the applicant to demonstrate that

trees meeting the size requirements were not present;

(b) Is not within 50 feet of the Pacific County Drainage Ditch 1; and

(c) Is located within the geographic area as described below (see attached map, based on USGS maps 46124-G1-TF-024 (Grayland, WA – revised 1984) and 46124-F1-TB-024 (North Cove, WA – revised 1984): Beginning at the intersection of Smith Road (aka Smid and/or Cranberry Road) and State Route 105 and running thence south and southeast along SR 105 to the intersection of SR 105 and Smith Anderson Road; thence north to the intersection of Smith Anderson Road and Lungren Road; thence north 1320.0 feet along Smith Anderson Road; thence west 450.0 feet; thence north 1690.0 feet; thence 13 degrees west of the northerly direction approximately 11,280.0 feet to the intersection of the east section line of Section 6 and the west section line of Section 5 (Township 15 North, Range 11 West Meridian) and Smith Road; thence west on Smith Road to the point of beginning.

2. Anywhere in Washington, the proposed expansion area has previously been used for cranberry production. Ecology will verify the expansion for these areas upon receipt of appropriate documentation that adequately demonstrates prior cranberry production in the proposed expansion area. Documentation may include one or more of the following:

(a) Evidence of the presence of old dikes around the boundary of the proposed expansion (dated photographs, dated video, topographic surveys);

(b) Old aerial photographs showing cranberry bogs within the proposed expansion area;

(c) Old maps drawn by registered engineers/surveyors showing the presence of cranberry bogs in the proposed expansion area; or

(d) Evidence that established plants of cultivated (not native) cranberry varieties are present within the proposed expansion area.

**NOTE:** *Applicants who do not meet the above criteria may still apply for 401 Certification. Certification will be granted by Ecology if it is determined that the proposed expansion will not cause significant degradation of wetland functions, or where adequate mitigation is proposed.*

### **35. Maintenance Dredging of Existing Basins.**

#### **Regional Conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) in all cases. The notification shall include the results of any required

sediment testing and identify the location of the upland disposal area(s). Applicants are strongly encouraged to contact the Seattle District's Dredged Material Management Office (telephone 206-764-3768) for specific sediment testing requirements early in the project planning process.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP and have a potential to discharge to waters of the state and/or have a potential to re-suspend sediments if:

1. The project or activity is in or adjoining a cleanup site.

**NOTE:** *To determine if your project is in or adjacent to a cleanup site, visit Ecology Cleanup Projects search tool: <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>*

### 36. Boat Ramps.

**Regional Conditions** –

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) for boat ramps wider than 12 feet or located on documented or potential surf smelt (*Ammodytes hexapterus*), Pacific herring (*Clupea pallasii*), sand lance (*Hypomesus pretiosus*), candlefish (*Thaleichthys pacificus*), or salmon spawning beaches or if submerged aquatic vegetation is removed or disturbed. Spawning beach location information can be obtained from the StreamNet database (see <http://www.streamnet.org>) or the SalmonScape database (see <http://wdfw.wa.gov/mapping/salmonscape/index.html>) and other sources.
2. For contiguous properties under the same ownership, no more than one boat ramp per ownership may be authorized by this NWP.
3. The construction of poured-in-place concrete boat ramps is not authorized by this NWP.

**NOTE:** *Applicants should site boat ramps to avoid impacting native woody riparian vegetation, special aquatic sites (e.g., wetlands mudflats, vegetated shallows, and riffle and pool complexes) and submerged aquatic vegetation when possible.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 1, In-water construction activities, and SGC 4, Aquatic resources requiring special protection.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity results in a discharge greater than 50 cubic yards into waters of the state.
2. The boat ramp exceeds 20 feet in width.

**37. Emergency Watershed Protection and Rehabilitation.**

**Regional Conditions** – None.

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

**38. Cleanup of Hazardous and Toxic Waste.**

**Regional Conditions** – None

***NOTE:** To facilitate our review of the applicability of this NWP to your project, submit a copy of your court ordered remedial plan or related settlement with your permit application to the Corps.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 1, In-water construction activities, and SGC 2, Projects or activities discharging to impaired waters.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity affects more than ½ acre of wetlands.
2. The project or activity is not authorized through a Model Toxics Control Act (MTCA) order or a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) order.

**NOTE:** *To determine if your project is in or adjacent to a cleanup site, visit Ecology Cleanup Projects search tool: <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>*

### **39. Commercial and Institutional Developments.**

#### **Regional Conditions --**

1. For activities associated with multi-phase residential, commercial, institutional, or recreational development projects, including real estate subdivisions, the pre-construction notification must include a history of the entire property involved in the project, including information about subdivisions of the property and past work on the property in or affecting waters of the United States. Required documentation includes copies of the original plat and State Environmental Policy Act (SEPA) determination(s) for the property, including the SEPA checklist. The District Engineer may allow a variance to specific requirements of this condition on a case-by-case basis.
2. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

**NOTE 1:** *We are concerned about the potential cumulative environmental impacts of multi-phase residential, commercial, institutional, and recreational development projects. We will carefully review all applications involving multi-phase development projects and use its discretionary authority to require Department of the Army authorization by a standard individual permit for any phase that would have more than a minimal individual or cumulative adverse impact on the aquatic environment. The Seattle District will consider the cumulative loss of more than 0.5 of an acre of waters of the United States to be a strong indicator that the cumulative adverse environmental impact of the proposed work and development project are more than minimal.*

**NOTE 2:** *To minimize impacts, we recommend that commercial developments utilize low impact development methods, such as, but not limited to, pervious surfaces, rain gardens, and native landscaping.*

**NOTE 3:** *To facilitate our review of ESA impacts, please provide the amount of new impervious surfaces (including access roads, buildings, parking lots, etc), amount of new semipervious surfaces (i.e., landscaped areas), best management practices, proposed stormwater treatment and design criteria, and mitigation measures for stormwater impacts.*

**NOTE 4:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 5:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection, and SGC 8, Stormwater discharge pollution prevention.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity affects ¼ acre or more of wetlands.

**40. Agricultural Activities.**

**Regional Conditions –**

1. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity involves fill or mechanized clearing impacting more than 1/10 acre of wetlands.

#### 41. Reshaping Existing Drainage Ditches.

##### **Regional Conditions –**

1. The permittee must submit a pre-construction notification to the District Engineer in accordance with Nationwide Permit General Condition 31 (Pre-Construction Notification) for activities that involve the permanent sidecasting of excavated material into waters of the U.S.
2. Upon completion of the work, all exposed soil surfaces shall either be hydro-seeded or planted with appropriate native herbaceous species.

*NOTE 1: The applicant should plant native woody vegetation along excavated ditches that provide salmonid habitat.*

*NOTE 2: This NWP does not authorize the conversion of waters of the U.S. to other uses such as impoundments or recovery areas for irrigation water.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection.
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##### **CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity discharges dredged or fill material into a ditch that receives water from or discharges water to a wetland within ½ mile of project site.
2. The project or activity occurs within a wetland.

#### 42. Recreational Facilities.

##### **Regional Conditions –**

1. For activities associated with multi-phase residential, commercial, institutional, or recreational development projects, including real estate subdivisions, the pre-construction notification must include a history of the entire property involved in the project, including information about subdivisions of the property and past work on the property in or affecting waters of the United States. Required documentation includes copies of the original plat and State Environmental Policy Act (SEPA) determination(s) for the property, including the SEPA checklist. The District Engineer may allow a variance to

specific requirements of this condition on a case-by-case basis.

2. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

**NOTE 1:** *We are concerned about the potential cumulative environmental impacts of multi-phase residential, commercial, institutional, and recreational development projects. We will carefully review all applications involving multi-phase development projects and use its discretionary authority to require Department of the Army authorization by a standard individual permit for any phase that would have more than a minimal individual or cumulative adverse impact on the aquatic environment. The Seattle District will consider the cumulative loss of more than 0.5 of an acre of waters of the United States to be a strong indicator that the cumulative adverse environmental impact of the proposed work and development project are more than minimal.*

**NOTE 2:** *To minimize impacts, we recommend that recreational developments utilize low impact development methods, such as, but not limited to, pervious surfaces, rain gardens, and native landscaping.*

**NOTE 3:** *To facilitate our review of ESA impacts, please provide the amount of new impervious surfaces (including access roads, buildings, parking lots, etc), amount of new semipervious surfaces (i.e., landscaped areas), best management practices, proposed stormwater treatment and design criteria, and mitigation measures for stormwater impacts.*

**NOTE 4:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 5:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection, and SGC 8, Stormwater discharge pollution prevention.

#### **CZM Consistency Response — Concur**

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity affects ¼ acre or more of wetlands.

#### **43. Stormwater Management Facilities**

##### **Regional Conditions –**

1. The pre-construction notification must include a maintenance plan if periodic

maintenance dredging is proposed.

2. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

**NOTE 1:** *The Seattle District will consider allowing compensatory mitigation in a stormwater management facility if: (1) hydrology is sufficient to support permanently vegetated wetlands; (2) maintenance of the facility will not disturb permanently vegetated wetlands; (3) sinuous edges, islands, vegetation class and open water interspersions are incorporated into the design; and (4) water quality treatment is incorporated outside of the compensatory mitigation area.*

**NOTE 2:** *NWP 43 may not be appropriate in areas of seasonal high groundwater that will interfere with a stormwater management facility's ability to retain/detain stormwater.*

**NOTE 3:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 4:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection.

#### **CZM Consistency Response — Concur with Conditions**

**STATE 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity includes a Cat I, Cat II, or Cat III (with a habitat score  $\geq 20$ ) wetland as part of a stormwater or flow control system.

**NOTE:** *Including a Cat I or Cat II wetland in a stormwater treatment or flow control system is considered an impact and will need to be mitigated according to the rules of wetland mitigation.*

#### **44. Mining Activities.**

##### **Regional Conditions –**

1. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.
2. Reclamation, when required by the Washington State Department of Natural Resources (DNR), must be achieved with 2 years of completion of mining in individual mining pits.
3. Permittees must provide compensatory mitigation for temporal losses of aquatic

ecosystem functions in waters of the U.S. See Nationwide Permit General Condition 23 for mitigation requirements.

4. This NWP may only be used for aggregate mining activities in lower perennial streams that meet the following criteria:

- a. Aggregate may not be excavated from a vegetated bar or flowing water, or pushed across a wetted channel.
- b. A 5-foot (horizontal) buffer must be left in a natural state along the river edge of the aggregate bar during excavation. After aggregate material is removed, the area must be graded to restore a natural appearance and not trap fish.
- c. Aggregate material may be temporarily stockpiled within the channel above the plane of the water surface for up to 7 days. Aggregate material may not be stockpiled in wetlands or flowing water.
- d. Aggregate material may not be disposed in the channel or where it could re-enter a water of the United States.

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

**45. Repair of Uplands Damaged by Discrete Events.**

**Regional Conditions** – None.

**NOTE 1:** *Applicants should avoid fills in wetlands, mudflats, and pool and riffle complexes. Pool and riffle complexes are frequently created when erosion occurs. These pools provide important spawning, rearing and predator avoidance habitat.*

**NOTE 2:** *The length of a bank protection project, especially in the case of barbs, is measured as*

*the total length of shoreline/bank to be protected by the structure.*

**NOTE 3:** *The Washington State Department of Fish and Wildlife also has jurisdiction over restoration of recently destroyed uplands. Work authorized under this NWP may also require approval from the Washington Department of Fish and Wildlife if the work will use, divert, obstruct, or change the natural flow or bed in salt or fresh waters of the State.*

**NOTE 4:** *On April 6, 2006, the U.S. Army Corps of Engineers, Northwestern Division issued guidance applicable in the Seattle District, on determining whether Department of the Army (DA) authorization may be necessary to replace upland areas lost as the result of storms, floods, and other discrete events. This guidance states in part:*

- a. If the new OHWM/HTL establishes below the old OHWM/HTL, no DA authorization is required for work to occur above (landward of) the new OHWM/HTL. If work is proposed to occur below (waterward of) the new OHWM/HTL, a DA authorization will be required.*
- b. If the new OHWM/HTL establishes above (landward of) the old OHWM/HTL, no DA authorization is required for work to occur above the new OHWM/HTL. If work is proposed to occur below (waterward of) the new OHWM/HTL, a DA authorization will likely be required for work in this area.*

*This guidance is available on the Internet at: [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select Regulatory, then Regulatory Permits, Permit Guidebook, Chapter II.a.iii Nationwide Permits.)*

**NOTE 5:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 6:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity will involve the placement of more than 25 cubic yards of dredged or fill material into waters of the United States.
2. The project or activity involves impacts to waters of the state greater than ½ acre.

#### 46. Discharges into Ditches.

**Regional Conditions** – None.

*NOTE: Ditches constructed in and/or connecting waters of the U.S. may provide essential fish habitat for anadromous fish in Washington State. For information about EFH in Washington State, please refer to: <http://wdfw.wa.gov/mapping/salmonscape/index.html>.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions, including SGC 4, Aquatic resources requiring special protection.

**CZM Consistency Response** — Concur with Conditions

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification** – Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project or activity discharges dredged or fill material into a ditch that receives water from or discharges water to a wetland within ½ mile of project site.

#### 47. [Reserved]

#### 48. Existing Commercial Shellfish Aquaculture Activities.

**Regional Conditions** –

1. The commercial harvest of clams by means of hydraulic escalator harvester equipment is not authorized by this NWP.

*NOTE 1: Pre-Construction Notification is required in all cases (per Nationwide Permit General Condition 18, Endangered Species).*

*NOTE 2: Applicants applying for NWP 48 authorization for existing activities, must submit documentation showing that they were authorized to perform the activity and planted the area prior to March 18, 2007, for the work to be covered by the ESA Programmatic Consultation for Existing Shellfish Aquaculture Activities. For the expansion of existing project areas or new project areas created after March 18 2007, applicants will need to complete individual ESA consultation.*

*NOTE 3: Per the existing Seattle District ESA Programmatic Consultation for Existing Shellfish Aquaculture Activities, if you are proposing any changes to the authorized work, such as changing the species or cultivation method, or increasing the gravel applied to special aquatic*

*sites, you must submit a request for a permit modification and receive written approval from the Corps before you begin the revised work.*

**NOTE 4:** *This NWP authorizes any property markers to demarcate the boundaries of the project area in tidal areas. The permittee must ensure that the markers are not a navigation hazard and must be in compliance with U.S. Coast Guard requirements.*

State General Condition Reminder: Projects or activities must meet all applicable State General Conditions.

**CZM Consistency Response — Concur with Conditions**

When Individual 401 review is triggered, a CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**State 401 Certification –** Certified subject to conditions. Individual 401 review is required for projects or activities authorized under this NWP if:

1. The project is a new or expanded geoduck operation, on private tidelands, that has not obtained a permit pursuant to an updated Shoreline Master Program (SMP). “Updated” means the SMP has been locally adopted, consistent with Ecology guidelines, after February 11, 2011(See Ecology for a list of these jurisdictions).
2. The project is a new or expanded geoduck operation, on state-owned aquatic lands, that has not applied for an aquatic lands lease from WA Department of Natural Resources.

**49. Coal Remining Activities.**

**Regional Conditions –**

1. Reclamation to OSM standards must be completed within 5 years of completion of mining in individual mining pits.
2. Permittees must provide compensatory mitigation for temporal loss of aquatic ecosystem functions in waters of the U.S. See Nationwide Permit General Condition 23 for mitigation requirements.

**CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification –** Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

## **50. Underground Coal Mining Activities.**

### **Regional Conditions –**

1. Reclamation to OSM, DOI or state agency standards must be completed within 5 years of completion of mining in individual mining pits.
2. Permittees must provide compensatory mitigation for temporal loss of aquatic ecosystem functions in waters of the U.S. See Nationwide Permit General Condition 23 for mitigation requirements.
3. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

### **CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

## **51. Land-Based Renewable Energy Generation Facilities**

### **Regional Conditions –**

1. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

### **CZM Consistency Response — Object**

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency

form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

**NOTE:** *Projects or activities that need a FERC license will be required to obtain an Individual 401 Certification as part of the FERC license process.*

## 52. Water-Based Renewable Energy Generation Pilot Projects

### Regional Conditions –

1. No activity can result in the loss of greater than 300 linear feet of intermittent and ephemeral stream beds.

**NOTE 1:** *If the proposed activity involves bank stabilization work, you must meet the requirements of Seattle District Regional General Conditions 3 and 4 for bank stabilization.*

**NOTE 2:** *Applicants proposing culvert crossings must comply with Regional General Condition 5 (Crossings of Waters of the United States).*

### CZM Consistency Response — Object

An Individual CZM Consistency Determination must be obtained from the State for projects or activities in the 15 coastal counties. A CZM Certification of Consistency form must be submitted for projects located within the 15 coastal counties (see State General Condition 3 (Notification)).

**STATE 401 Certification** – Denied without prejudice.

Individual 401 Certification is required for all projects or activities under this NWP.

**NOTE:** *Projects or activities that need a FERC license will be required to obtain an Individual 401 Certification as part of the FERC license process.*

## YOUR RIGHT TO APPEAL

You have a right to appeal this Certification/Consistency Determination to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Certification/Consistency Determination. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Certification/Consistency Determination:

- File your appeal and a copy of this Certification/Consistency Determination with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Certification/Consistency Determination on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

### CONTACT INFORMATION

Please direct all questions about this Certification/Consistency Determination to:

Loree' Randall  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-6068 OR email: [lora461@ecy.wa.gov](mailto:lora461@ecy.wa.gov)

### MORE INFORMATION

- **Pollution Control Hearings Board Website**  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**  
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**  
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**  
<http://www.ecy.wa.gov/biblio/wac173201A.html>



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Gordon White  
Program Manager  
Shorelands and Environmental Assistance  
Washington State Department of Ecology

June 8, 2012