



US Army Corps
of Engineers
Seattle District

SPECIAL PUBLIC NOTICE

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124
Telephone: (206) 764-3495

Effective Date: 15 June 2012
Publication Date: 22 June 2012

Final Regional Conditions and Water Quality Certification and Coastal Zone Management Consistency Decisions for the 2012 Nationwide Permits in Washington State and the 2012 Nationwide Permit User's Guide

The Seattle District of the U.S. Army Corps of Engineers (Corps) is issuing final regional conditions for the 2012 Nationwide Permits (NWP) and publishing Coastal Zone Management (CZM) Consistency responses from the Washington State Department of Ecology (Ecology) and Section 401 Water Quality Certification decisions from Ecology, Region 10 of the U.S. Environmental Protection Agency (EPA), and the nine Tribes in Washington (Chehalis, Lummi Nation, Port Gamble S'Klallam, Kalispel, Makah, Puyallup, Spokane, Swinomish, and Tulalip tribes) with Section 401 certification authority in the enclosed *2012 Nationwide Permit User's Guide in Washington State (User's Guide)*.

The information in the *2012 Nationwide Permit User's Guide* attached to this special public notice forms the basis by which the NWP program will be implemented in Washington State until the 2012 NWP are revised, rescinded, or revoked. Any future actions or revisions affecting the NWP will be announced by special public notice and a revised *User's Guide* will be published. Please check our website for the most up-to-date version of the *User's Guide* www.nws.usace.army.mil, select "Regulatory/Permitting".

Pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899, the Secretary of the Army, acting through the U.S. Army Corps of Engineers, is responsible for administering a Regulatory Program (33 CFR, Parts 320-331) that requires permits for certain activities in waters of the United States, including wetlands.

Under Section 404, the Corps regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Under Section 10, the Corps regulates structures and/or work in or affecting the course, condition, or capacity of navigable waters of the United States. Activities requiring Corps authorization that are similar in nature and have minimal individual and cumulative environmental impacts may qualify for authorization by general permit, such as a nationwide permit. On February 21, 2012, the Corps published in the *Federal Register* the final notice of issuance of the Nationwide Permits, effective March 19, 2012.

The Seattle District has coordinated with Federal, State, and tribal representatives to develop final regional conditions. The public review process helped the Corps develop reasonable and enforceable regional conditions that make sense to the regulated public, provide a reasonable level of resource protection, and are relatively efficient to implement. The 2012 NWP are scheduled to expire after five years, on March 18, 2017. The *User's Guide* describes the final regional conditions and other requirements for using the 2012 NWP in Washington State.