US Army Corps of Engineers®

# PUBLIC NOTICE

Published: June 18, 2025
Expires: August 2, 2025

**Seattle District**

**Nationwide Permits Reissuance Request for Comments**

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWPs) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWPs:
The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2025-0002 at **www.regulations.gov**, or by email to **2026nationwidepermits@usace.army.mil** or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025 Federal Register notice. Comments on the proposed NWPs are due by July 18, 2025.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning:
Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure (Enclosure 1) for this public notice lists the proposed regional conditions currently under consideration by the Northwest Division for Washington state. The Seattle District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed

regional conditions listed on this enclosure are applicable for activities in Washington state. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to **NWP-SeattleTeam@usace.army.mil**; include on the subject line of the email "Comments on 2026 NWP Regional Conditions" or via regular mail to U.S. Army Corps of Engineers, 4735 E. Marginal Way S, Bldg 1202, Attn: Regulatory, Seattle, Washington, 98134-2388. Comments relating to regional conditions are due by August 2, 2025. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Division Commander.

401 Water Quality Certification and Coastal Zone Management Act:
States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWPs. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWPs.

Draft Decision Documents:
Draft decision documents for each of the proposed NWPs, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWPs with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWPs, are available for viewing at **www.regulations.gov**, docket number COE-2025-0002. Final decision documents will be prepared for the NWPs that are issued.

Enclosed (Enclosure 2) is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at **https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/**, at **www.regulations.gov** in docket number COE-2025-0002, or at the following Federal Register address: https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits

## ENCLOSURE 1

## Seattle District Proposed Regional Conditions

If you would like to view the 2021 Final Regional Conditions for Seattle District for comparison, please view them on our webpage located at: www.nws.usace.army.mil, select Permit Guidebook, Chapter II, Permitting Nationwide Permits, National and Regional Conditions.

**REGIONAL GENERAL CONDITIONS (RGCs):**
The following conditions would apply to all Nationwide Permits (NWPs) for the Seattle District in Washington state, unless specified.

### RGC 1, Project Drawings

Drawings must be submitted with a pre-construction notification (PCN). Drawings must provide a clear understanding of the proposed project, and how waters of the United States will be affected. Drawings must be originals and not reduced copies of large-scale plans. Engineering drawings are not required. Existing and proposed site conditions (manmade and landscape features) must be drawn to scale.

### RGC 2, Aquatic Resources Requiring Special Protection

A PCN is required for activities resulting in a loss of waters of the United States in wetlands in dunal systems along the Washington coast, mature forested wetlands, bogs and peatlands, aspen-dominated wetlands, alkali wetlands, vernal pools, camas prairie wetlands, estuarine wetlands, and wetlands in coastal lagoons.

### RGC 3, New Bank Stabilization in Tidal Waters of Puget Sound

Activities involving new bank stabilization in tidal waters in Water Resource Inventory Areas (WRIAs) 8, 9, 10, 11, and 12 (within the areas identified on Figures 1a through 1e) cannot be authorized by NWP.

### RGC 4, Commencement Bay

No permanent losses of wetlands or mudflats within the Commencement Bay Study Area may be authorized by any NWP (see Figure 2).

### RGC 5, Bank Stabilization

All projects including new or maintenance bank stabilization activities in waters of the United States where salmonid species are present or could be present, requires PCN to the U.S. Army Corps of Engineers (Corps) (see NWP general condition 32).

For new bank stabilization projects only, the following must be submitted to the Corps:

a. The cause of the erosion and the distance of any existing structures from the area(s) being stabilized.

b. The type and length of existing bank stabilization within 300 feet of the proposed project.

c. A description of current conditions and expected post-project conditions in the waterbody.

d. A statement describing how the project incorporates elements avoiding and minimizing
adverse environmental effects to the aquatic environment and nearshore riparian area, including vegetation impacts in the waterbody.

In addition to a. through d., the results from any relevant geotechnical investigations can be submitted with the PCN if it describes current or expected conditions in the waterbody.

**RGC 6, Crossings of Waters of the United States**

Any project including installing, replacing, or modifying crossings of waters of the United States, such as culverts or bridges, requires submittal of a PCN to the U.S. Army Corps of Engineers (see NWP general condition 32).

If a culvert is proposed to cross waters of the U.S. where salmonid species are present or could be present, the project must apply the stream simulation design method from the Washington Department of Fish and Wildlife located in the *Water Crossing Design Guidelines* (2013), or a design method which provides passage at all life stages at all flows where the salmonid species would naturally seek passage. If the stream simulation design method is not applied for a culvert where salmonid species are present or could be present, the applicant must provide a rationale in the PCN sufficient to establish one of the following:

a. The existence of extraordinary site conditions.

b. How the proposed design will provide equivalent or better fish passage and fisheries habitat benefits than the stream simulation design method.

Culverts installed under emergency authorization that do not meet the above design criteria will be required to meet the above design criteria to receive an after-the-fact nationwide permit verification.

**RGC 7, Stream Loss**

A PCN is required for all activities that result in the loss of any linear feet of streams.

**RGC 8, Construction Boundaries**

Permittees must clearly mark all construction area boundaries within waters of the United States before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.

**RGC 9, ESA Reporting to NMFS**

For any nationwide permit that may affect threatened or endangered species:

Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries, National Marine Fisheries Service (NMFS) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the U.S. or structures or work in navigable waters of the U.S. authorized by this Nationwide Permit verification shall be reported to NMFS, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the U.S. Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by the NMFS to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

**RGC 10, Limitations on New Bank Stabilization Within the Salish Sea**

The length of new bank stabilization within waters of the U.S., including new bank stabilization associated with maintenance activities that would expand previously authorized armoring length, cannot exceed 50 linear feet within the Salish Sea under any NWP.

**RGC 11, Effects to Forage Fish Spawning Beaches, Drift Cells, and Feeder Bluffs**

No NWP activity can:
a) cause more than minimal adverse effects to forage fish spawning beaches or drift cells; or
b) prevent the functioning of feeder bluffs, including more than minimal adverse effects to sediment recruitment, transport, or deposition.

This regional general condition applies to all NWP activities within the Salish Sea. Information regarding the location of forage fish spawning beaches is available on the Washington Department of Fish and Wildlife's (WDFW) Forage Fish Spawning Map at

https://wdfw.maps.arcgis.com/home/webmap/viewer.html?webmap=19b8f74e2d41470cbd80b1af8dedd6b3. Information regarding the location and movement of drift cells, shoreline stability, and coastal landforms, to include feeder bluffs, is available at the Washington State Department of Ecology's Coastal Atlas Map website: https://apps.ecology.wa.gov/coastalatlasmap. These maps are resources that can be used to help identify the location of forage fish spawning beaches, drift cells, and feeder bluffs; they are not a substitute for site-specific data. Information about forage fish, their spawning habitats, and spawning behavior are available through the WDFW. Additional information about the importance of these species as prey species for Endangered Species Act listed salmonids can be found on the National Marine Fisheries Service website.

**RGC 12, Bank Stabilization Design Considerations**

Bank stabilization activities, including maintenance activities, shall utilize living shorelines, vegetative stabilization, bioengineering, including but not limited to large woody material with intact root wads, and other soft bank stabilization approaches to the maximum practicable extent before considering hard bank stabilization methods such as bulkheads and rock revetments.

**RGC 13, PCNs for Activities in Areas Where There May Be Treaty-Reserved Tribal Rights**

To ensure compliance with General Condition 17, *Tribal Rights*, a pre-construction notification (PCN) is required for all NWPs associated with structures or fills in areas where Tribes have retained via treaty the right to fish in their usual and accustomed grounds and stations.

**RGC 14, Maintenance of Existing Bank Stabilization Structures and Fills**

(Applicable to NWP 3, Maintenance Activities) Maintenance of existing bank stabilization structures that expand the existing structure's footprint or dimensions either waterward, vertically, or linearly along the shoreline within the geographic jurisdiction of the U.S. Army Corps of Engineers are not eligible for NWP 3.

## REGIONAL CONDITIONS FOR SPECIFIC NWPs

The following conditions would apply to the NWPs listed below for the Seattle District in Washington State. NWPs not listed do not have specific regional conditions, but must still comply with all RGCs.

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

NWP 4 Specific Regional Conditions:

1. A pre-construction notification must be submitted to the district engineer (see NWP general condition 32) if the activity involves a discharge of dredged or fill material.

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

**NWP 5. Scientific Measurement Devices**

NWP 5 Specific Regional Conditions:

1. A pre-construction notification must be submitted to the district engineer (see NWP general condition 32) for the construction of weirs and flumes.

**NWP 10. Mooring Buoys**

NWP 10 Specific Regional Conditions:

1. A pre-construction notification (PCN) must be submitted to the district engineer prior to commencing the activity (see NWP general condition 32). The PCN must include a map, aerial photo, or project drawing identifying all existing mooring buoys within a 250-foot radius of the proposed buoy.

2. NWP 10 must not be used in marine waters if it would result in a concentration of more than one mooring structure per acre, unless waived by the district engineer. Mooring structures include buoys, piers, floats, and boatlifts.

3. The buoy system must contain an embedded anchor and mid-line float where site conditions allow. If an embedded anchor cannot be used, the project proponent must provide a written statement with the PCN describing why site conditions prohibit use of an embedded anchor.

4. Mooring buoys must be permanently marked with the Corps reference number in print large enough to be read from a distance of 20 feet.

**NWP 14. Linear Transportation Projects**

NWP 14 Specific Regional Conditions:

1. A pre-construction notification must be submitted to the district engineer (see NWP general condition 32) for linear transportation project crossings in tidal waters.

**NWP 17. Hydropower Projects**

NWP 17 Specific Regional Condition:

1. Project proponents must submit documentation of their FERC license or exemption as part of the pre-construction notification.

**NWP 19. Minor Dredging**

NWP 19 Specific Regional Condition:

1. A pre-construction notification must be submitted to the district engineer (see NWP general condition 32) for dredging proposed to occur in special aquatic sites (i.e., wetlands, vegetated shallows, riffle and pool complexes, or mudflats).

**NWP 23. Approved Categorical Exclusions**

NWP 23 Specific Regional Condition:

1. A pre-construction notification (PCN) must be submitted to the district engineer prior to commencing the activity (see NWP general condition 32). The PCN must include a statement or form bearing the signature of an official of the Federal agency that issued the categorical exclusion, or of an official with delegated authority from that Federal agency verifying the proposed work is categorically excluded.

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

NWP 27 Specific Regional Conditions:

1. A pre-construction notification (PCN) must be submitted to the district engineer (see NWP general condition 32) 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, Washington State Department of Ecology compensatory mitigation site, or Washington State Model Toxics Control Act clean-up site.

2. For projects subject to PCN, if there is a loss of waters of the U.S. the project proponent must explain in the PCN why the loss is necessary. The project proponent must also demonstrate how despite the loss of waters the overall project would result in a net increase in aquatic/ecological functions .

3. The PCN must contain a description of pre-project site conditions including presence of wetlands (including photographs) and aquatic/ecological functions the site provides within the watershed.

4. For projects that would result in a loss of waters of the U.S., the project proponent must include maintenance and monitoring plans with the PCN.

5. Restoration projects involving shellfish seeding must use shellfish native to the watershed.

**NWP 28. Modifications of Existing Marinas**

NWP 28 Specific Regional Condition:

1. A pre-construction notification (PCN) must be submitted to the district engineer prior to commencing the activity (see NWP general condition 32).

**NWP 29. Residential Developments**

NWP 29 Specific Regional Condition:

1. Pre-construction notification must identify if the project is an individual lot within a subdivision or part of a multiphase development.

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

NWP 35 Specific Regional Condition:
1. A pre-construction notification (PCN) must be submitted to the district engineer prior to commencing the activity (see NWP general condition 32).

**NWP 36. Boat Ramps**

NWP 36 Specific Regional Condition:
1. A pre-construction notification (PCN) must be submitted to the district engineer prior to commencing the activity (see NWP general condition 32).

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

NWP 38 Specific Regional Condition:
1. Non-government project proponents must submit a copy of court ordered remedial plans or related settlements with the pre-construction notification.

**NWP 39. Commercial and Institutional Developments**

NWP 39 Specific Regional Condition:
1. Pre-construction notification must identify if the project is an individual lot within a subdivision or part of a multiphase development.

**NWP 41. Reshaping Existing Drainage Ditches**

NWP 41 Specific Regional Condition:
1. A pre-construction notification must be submitted to the district engineer (see NWP general condition 32) if the activity involves permanent sidecasting of excavated material into waters of the U.S.

**NWP 42. Recreational Facilities**

NWP 42 Specific Regional Condition:
1. Pre-construction notification must identify if the project is an individual lot within a subdivision or part of a multiphase development.

**NWP 43. Stormwater Management Facilities**

NWP 43 Specific Regional Condition:
1. Pre-construction notification for new facilities must include a long-term maintenance plan if permits for periodic maintenance dredging will be required in waters of the U.S.

**NWP 44. Mining Activities**

NWP 44 Specific Regional Conditions:
1. Aggregate mining activities in streams authorized by this NWP must meet the following criteria:

a. Aggregate may not be excavated from a vegetated bar or flowing water or pushed across a wetted channel.

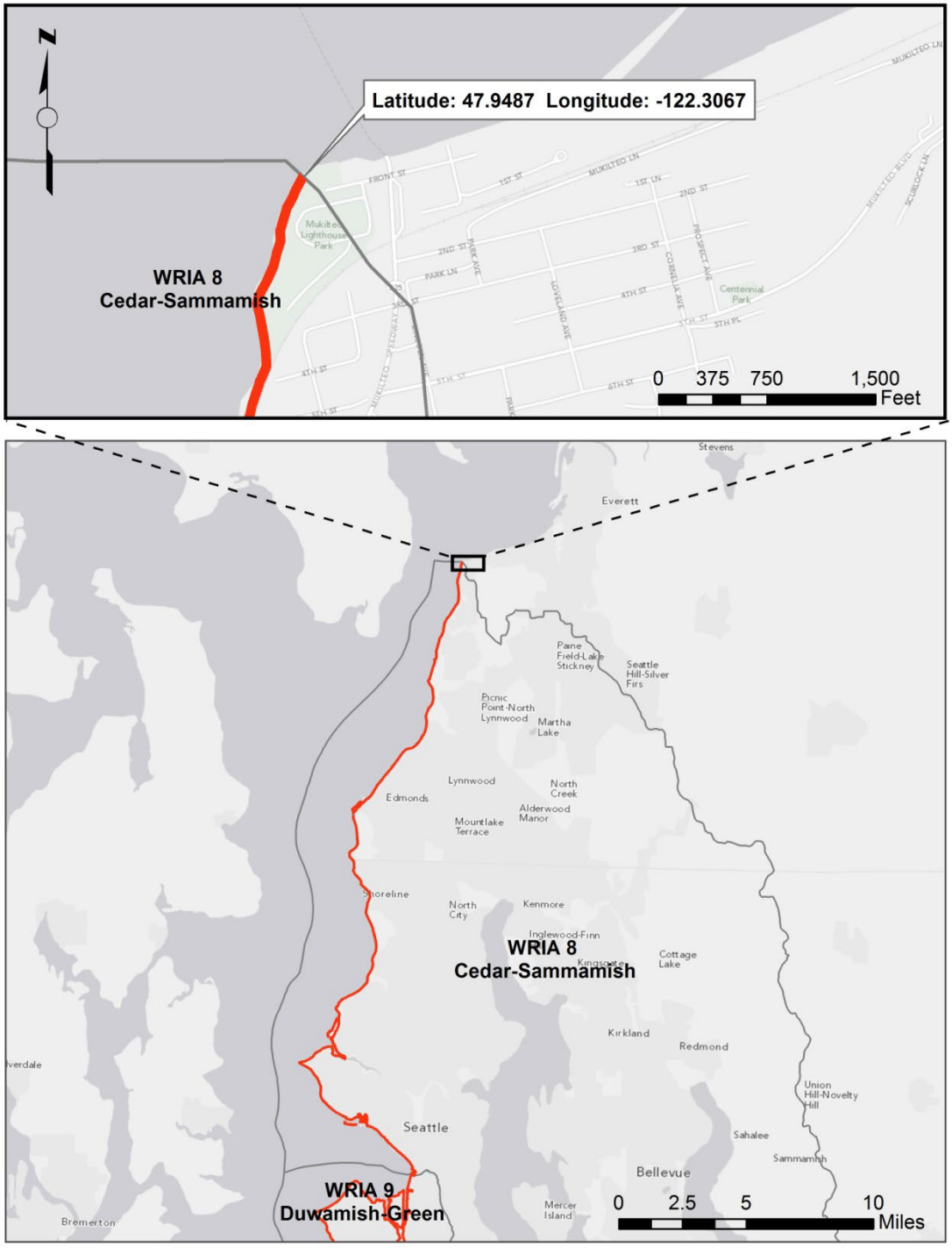
b. A 5-foot (horizontal) buffer must be left in an undisturbed state along the river edge of the aggregate bar during excavation. After aggregate material is removed, the area must be graded to restore a natural contour and not trap fish.

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.

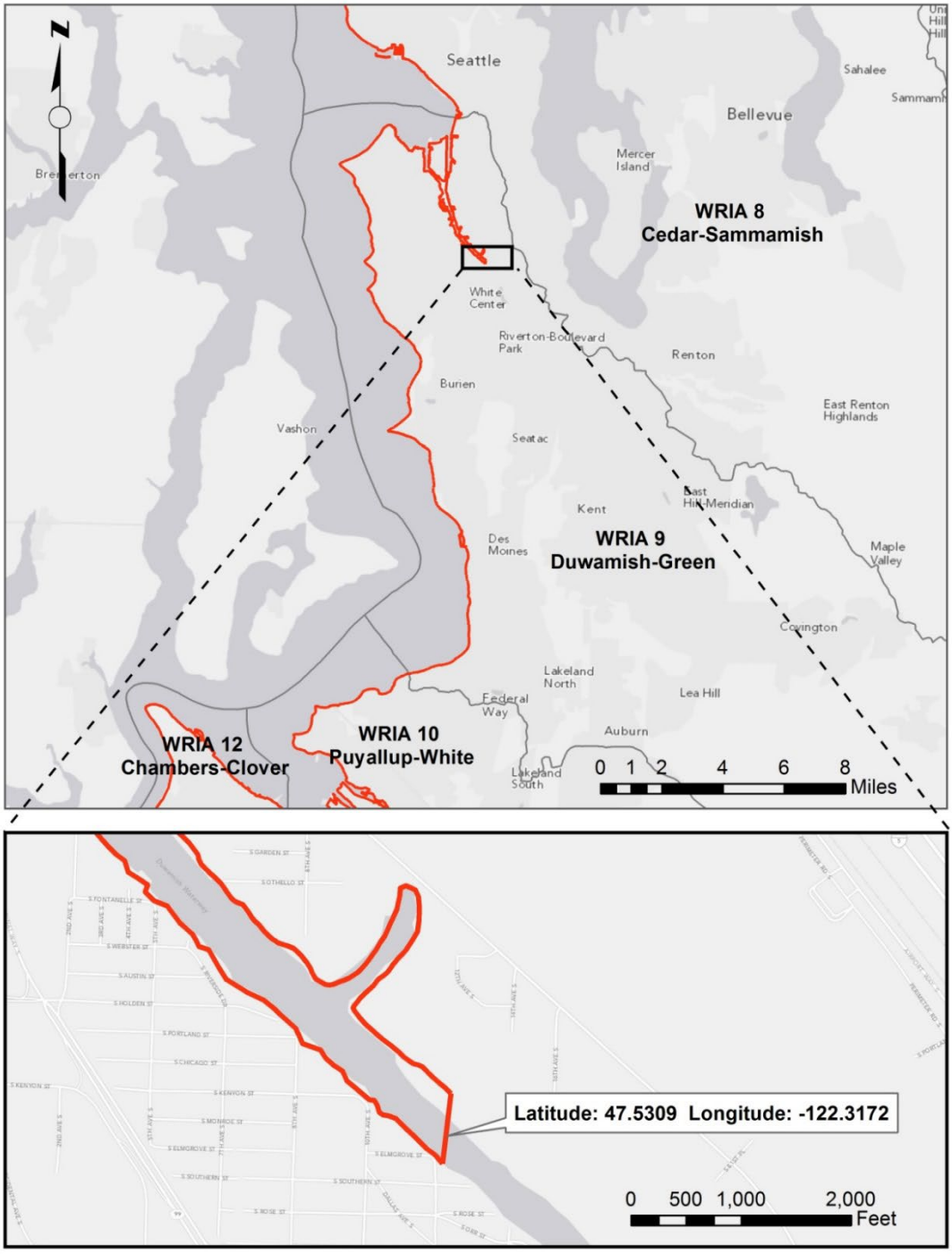
d. Aggregate material may not be disposed in the channel or where it could re-enter a water of the United States.

Figure 1: RGC 3 - WRIAs 8, 9, 10, 11, and 12

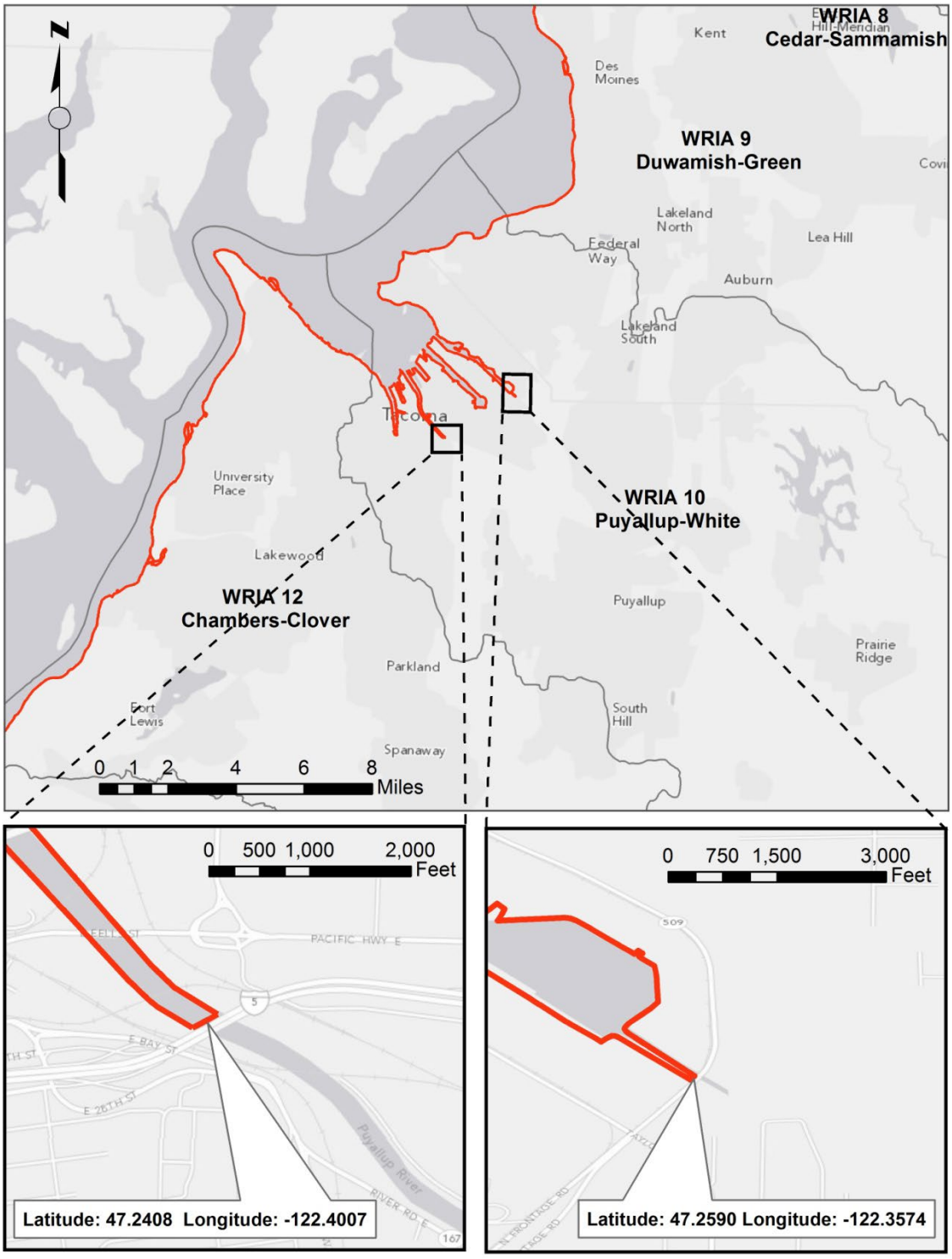
a. WRIA 8



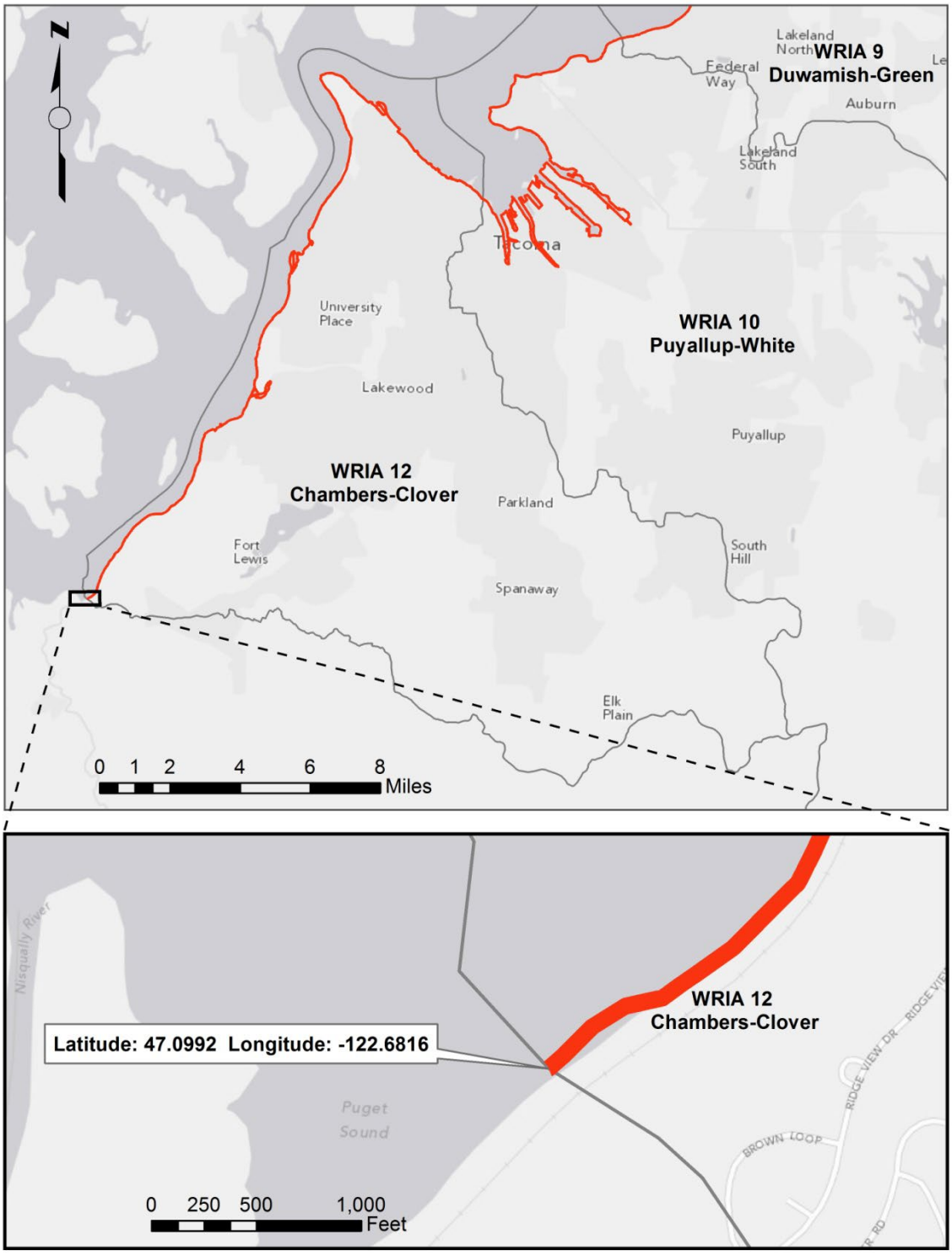
b. WRIA 9


N
Seattle
Sahalee
Bellevue
Mercer Island
Bremerton
WRIA 8
Cedar-Sammamish
White Center
Riverton-Boulevard Park
Renton
Burien
East Renton Highlands
Vashon
Seatac
East Hill-Meridian
Kent
Des Moines
WRIA 9
Duwamish-Green
Maple Valley
Covington
Lakeland North
Lea Hill
Federal Way
Auburn
WRIA 12
Chambers-Clover
WRIA 10
Puyallup-White
Lakeland South
0 1 2 4 6 8
Miles
Latitude: 47.5309 Longitude: -122.3172
0 500 1,000 2,000
Feet

c. WRIA 10


N
WRIA 8
Cedar-Sammamish
Kent
Des Moines
WRIA 9
Duwamish-Green
Lakeland North
Federal Way
Lea Hill
Auburn
Lakeland South
Tacoma
University Place
WRIA 10
Puyallup-White
Lakewood
WRIA 12
Chambers-Clover
Puyallup
Prairie Ridge
Parkland
Fort Lewis
South Hill
Spanaway
0 1 2 4 6 8
Miles
0 500 1,000 2,000
Feet
PACIFIC HWY E
E BAY ST
E 26TH ST
Puyallup River
RIVER RD E
Latitude: 47.2408 Longitude: -122.4007
0 750 1,500 3,000
Feet
509
Latitude: 47.2590 Longitude: -122.3574

d. WRIA 12


N
Lakeland North
WRIA 9
Duwamish-Green
Federal Way
Auburn
Lakeland South
Tacoma
University Place
WRIA 10
Puyallup-White
Lakewood
Puyallup
WRIA 12
Chambers-Clover
Parkland
Fort Lewis
South Hill
Spanaway
Elk Plain
0 1 2 4 6 8
Miles
Nisqually River
WRIA 12
Chambers-Clover
Latitude: 47.0992 Longitude: -122.6816
Puget Sound
BROWN LOOP
RIDGE VIEW DR
0 250 500 1,000
Feet

e. WRIA 11

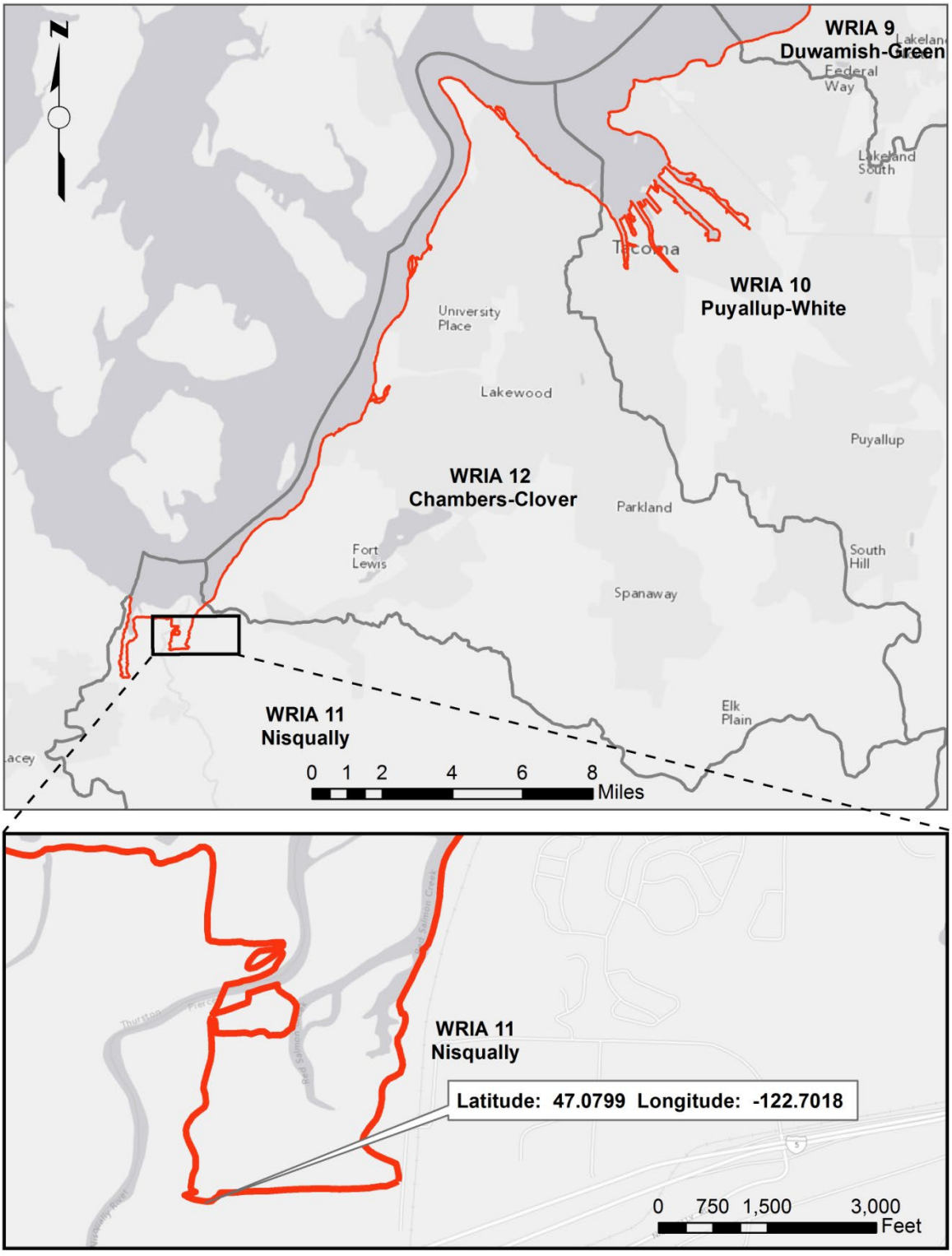
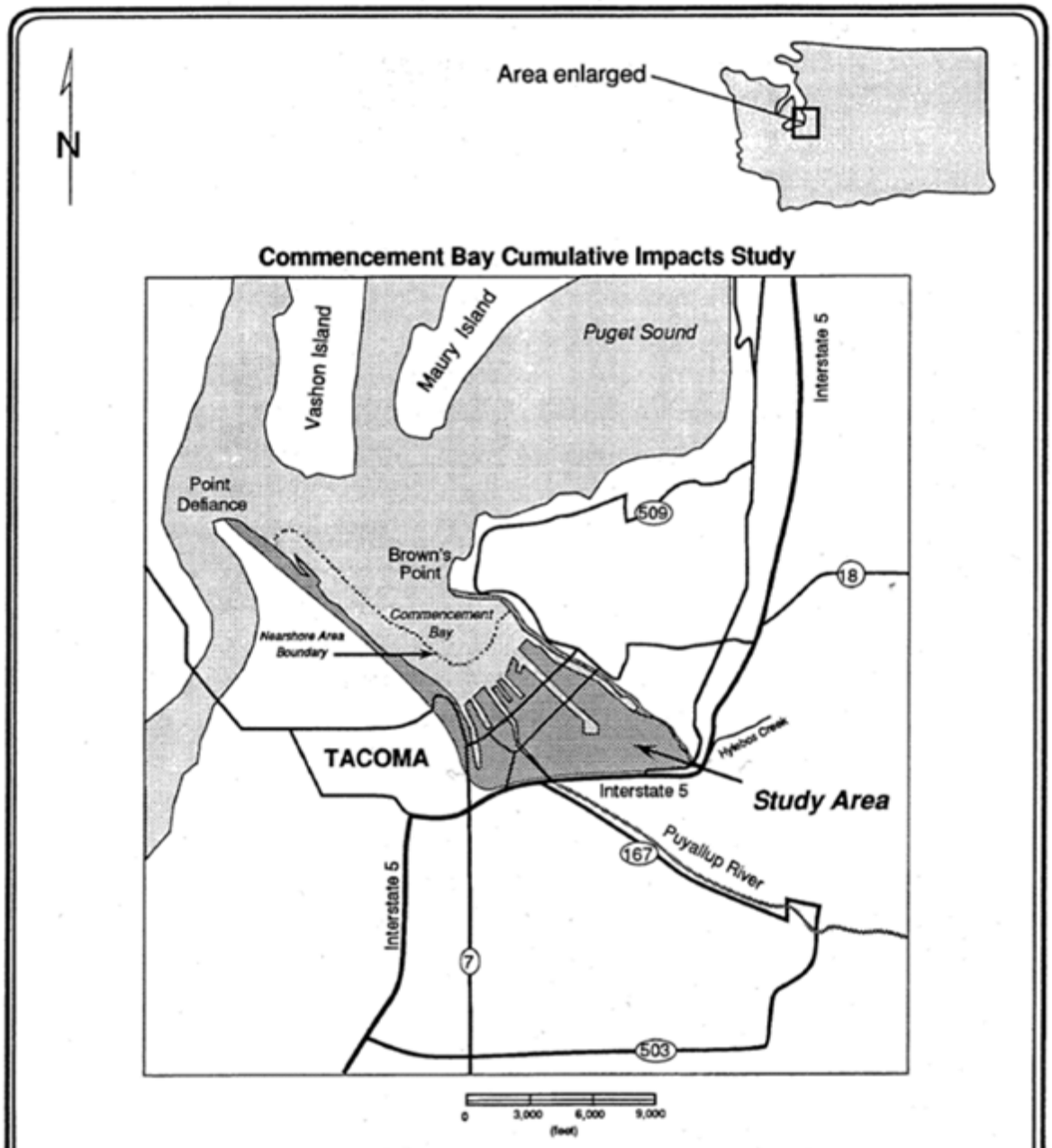



Figure 2. RGC 3 - Commencement Bay Study Area


N
Area enlarged
Commencement Bay Cumulative Impacts Study
Vashon Island
Maury Island
Puget Sound
Interstate 5
Point Defiance
509
Brown's Point
18
Commencement Bay
Nearshore Area Boundary
Hylebos Creek
TACOMA
Interstate 5
Study Area
Puyallup River
167
Interstate 5
7
503
0
3,000
6,000
9,000
(feet)

## ENCLOSURE 2

Index of Proposed Nationwide Permits, General Conditions, and Definitions

***Nationwide Permits***

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***Nationwide Permit General Conditions***
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22. Designated Critical Resource Waters
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25. Water Quality

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30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

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***Further Information***

***Nationwide Permit Definitions***

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Direct effects
Discharge
Ecological reference
Enhancement
Establishment (creation)
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Historic property
Independent utility
Indirect effects
Loss of waters of the United States
Nature-based solutions
Navigable waters
Non-tidal wetland
Open water
Ordinary high water mark
Perennial stream
Practicable
Pre-construction notification
Preservation
Re-establishment
Rehabilitation
Restoration
Riffle and pool complex
Riparian areas
Shellfish seeding
Single and complete linear project
Single and complete non-linear project
Stormwater management
Stormwater management facilities
Stream bed

Stream channelization
Structure
Tidal wetland
Tribal lands
Tribal rights
Vegetated shallows
Waterbody