



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 18, 2025

Colonel Kathryn P Sanborn  
District Commander  
Seattle District, Corps of Engineers  
PO Box 3755  
Seattle, Washington 98124-3755

RE: State of Washington Clean Water Act Section 401 Water Quality Certification Decisions  
for the 2026 Nationwide Permits.

Dear Colonel Sanborn:

The Department of Ecology (Ecology) has completed its review of the United States Department of the Army, Corps of Engineers (the Corps) proposed Nationwide Permit (NWP) program as published in the Federal Register (90 FR 26100) on June 18, 2025. The Corps proposes to reissue 56 existing NWPs, general conditions, and definitions, with some modifications; and issue one new NWP. The Corps is requesting certification prior to finalizing the NWP program and Ecology's review has been limited to the proposed NWPs as published in the federal register and the Corps Seattle District's draft regional conditions as proposed in the Special Public Notice.

Ecology received a request for Section 401 Water Quality Certification (WQC) and Special Public Notice from the Corps Seattle District on June 18, 2025 for the proposed 2026 NWPs and draft regional conditions. The Seattle District did not propose changes to the draft regional conditions in the Special Public Notice. The Seattle District is requesting certification prior to finalizing the regional conditions and it is likely that there will be changes in the final regional conditions that were not included in the June 18, 2025 Special Public Notice.

The attached programmatic Section 401 Water Quality Certification decision applies to the NWP program published in the federal register on June 18, 2025, and the regional conditions proposed by the Corps Seattle District by Public Notice on June 18, 2025.

If you have any questions or would like additional information, please contact Loree' Randall (Loree.Randall@ecy.wa.gov) or Erin Hanlon Brown (Erin.HanlonBrown@ecy.wa.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Joenne McGerr". The signature is fluid and cursive, with the first name "Joenne" written in a larger, more prominent script than the last name "McGerr".

Joenne McGerr  
Program Manager  
Shorelands and Environmental Assistance Program  
Washington State Department of Ecology

Sent via e-mail: Kathryn.P.Sanborn@usace.army.mil

ecc: Lia Protopapadakis, U.S. Army Corps of Engineers  
Dan Krenz, U.S. Army Corps of Engineers  
Loree' Randall, Ecology  
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Enclosure – State of Washington Programmatic Section 401 Water Quality Certification Decisions and State Conditions for the U.S Army Corps of Engineers Nationwide Permits. This document fully outlines Ecology’s Section 401 Certification decisions for activities which may result in a discharge and are carried out under a NWP for either Corps Section 404 and/or Section 10 permits.

Table 1 – Summary of State of Washington Section 401 Programmatic Water Quality Certification Decisions for the U.S. Army Corps of Engineers Proposed 2026 Nationwide Permit Program.

<b>NWP</b>	<b>Activity</b>	<b>401 Decision</b>	<b>Applicable Conditions</b>
1	Aids to Navigation	Grant with Conditions	State General Conditions
2	Structures in Artificial Canals	Grant with Conditions	State General Conditions
3	Maintenance	Grant with Conditions	State General and Specific Conditions
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	Grant with Conditions	State General Conditions
5	Scientific Measurement Devices	Grant with Conditions	State General Conditions
6	Survey Activities	Grant with Conditions	State General and Specific Conditions
7	Outfall Structures and Associated Intake Structures	Grant with Conditions	State General Conditions
8	Oil and Gas Structures on the Outer Continental Shelf	NA – outside of state jurisdiction	NA
9	Structures in Fleeting and Anchorage Areas	Grant with Conditions	State General Conditions
10	Mooring Buoys	Grant with Conditions	State General Conditions
11	Temporary Recreational Structures	Grant with Conditions	State General Conditions
12	Oil or Natural Gas Pipeline Activities	Denied - Individual 401 WQC required	NA
13	Bank Stabilization	Grant with	State General and Specific Conditions

<b>NWP</b>	<b>Activity</b>	<b>401 Decision</b>	<b>Applicable Conditions</b>
		Conditions	
14	Linear Transportation Projects	Grant with Conditions	State General and Specific Conditions
15	U.S. Coast Guard Approved Bridges	Grant with Conditions	State General and Specific Conditions
16	Return Water from Upland Contained Disposal Areas	Grant with Conditions	State General Conditions
17	Hydropower Projects	Denied - Individual 401 WQC required	NA
18	Minor Discharges	Grant with Conditions	State General and Specific Conditions
19	Minor Dredging	Grant with Conditions	State General and Specific Conditions
20	Response Operations for Oil and Hazardous Substances	Grant with Conditions	State General Conditions
21	Surface Coal Mining Activities	Denied - Individual 401 WQC required	NA
22	Removal of Vessels	Grant with Conditions	State General Conditions
23	Approved Categorical Exclusions	Grant with Conditions	State General and Specific Conditions
25	Structural Discharges	Grant with Conditions	State General Conditions
27	Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities	Grant with Conditions	State General and Specific Conditions
28	Modifications of Existing Marinas	Grant with Conditions	State General and Specific Conditions
29	Residential Developments	Grant with Conditions	State General and Specific Conditions
30	Moist Soil Management for Wildlife	Grant with Conditions	State General Conditions
31	Maintenance of Existing Flood Control Facilities	Grant with Conditions	State General Conditions
32	Completed Enforcement Actions	Denied - Individual 401 WQC required	NA

<b>NWP</b>	<b>Activity</b>	<b>401 Decision</b>	<b>Applicable Conditions</b>
33	Temporary Construction, Access, and Dewatering	Grant with Conditions	State General Conditions
34	Cranberry Production Activities	Grant with Conditions	State General and Specific Conditions
35	Maintenance Dredging of Existing Basins	Grant with Conditions	State General and Specific Conditions
36	Boat Ramps	Grant with Conditions	State General and Specific Conditions
37	Emergency Watershed Protection and Rehabilitation	Denied - Individual 401 WQC required	NA
38	Cleanup of Hazardous and Toxic Waste	Grant with Conditions	State General and Specific Conditions
39	Commercial and Institutional Developments	Grant with Conditions	State General and Specific Conditions
40	Agricultural Activities	Grant with Conditions	State General and Specific Conditions
41	Reshaping Existing Drainage and Irrigation Ditches	Denied - Individual 401 WQC required	NA
42	Recreational Facilities	Grant with Conditions	State General and Specific Conditions
43	Stormwater Management Facilities	Grant with Conditions	State General and Specific Conditions
44	Mining Activities	Denied - Individual 401 WQC required	NA
45	Repair of Uplands Damaged by Discrete Events	Grant with Conditions	State General and Specific Conditions
46	Discharges in Ditches	Grant with Conditions	State General and Specific Conditions
48	Commercial Shellfish Mariculture Activities	Denied - Not proposed for use in Washington	NA
49	Coal Remining Activities	Denied - Individual 401 WQC required	NA
50	Underground Coal Mining Activities	Denied - Individual 401 WQC required	NA
51	Land-Based Renewable Energy Generation Facilities	Denied - Individual	NA

<b>NWP</b>	<b>Activity</b>	<b>401 Decision</b>	<b>Applicable Conditions</b>
		401 WQC required	
52	Water-Based Renewable Energy Generation Pilot Projects	Denied - Individual 401 WQC required	NA
53	Removal of Low-Head Dams	Denied - Individual 401 WQC required	NA
54	Living Shorelines	Denied - Individual 401 WQC required	NA
55	Seaweed Mariculture Activities	Denied - Individual 401 WQC required	NA
57	Electric Utility Line and Telecommunications Activities	Grant with Conditions	State General and Specific Conditions
58	Utility Line Activities for Water and Other Substances	Grant with Conditions	State General and Specific Conditions
59	Water Reclamation and Reuse Facilities	Denied - Individual 401 WQC required	NA
A	Activities to Improve Passage of Fish and Other Aquatic Organisms	Denied - Individual 401 WQC required	NA

**State of Washington Department of Ecology**  
**Programmatic Section 401 Water Quality Certification**  
**Decisions and Conditions for the U.S. Army Corps of Engineers**  
**Proposed 2026 Nationwide Permit Program**

Pursuant to Section 401 of the Clean Water Act (CWA), as the state water pollution control agency with jurisdictional authority of Washington's surface waters, the Department of Ecology (Ecology) is tasked with issuance of Section 401 Water Quality Certification (Water Quality Certification) of the Nationwide Permits (NWP) in Washington, with the exception of those lands where the U.S. Environmental Protection Agency (EPA) or a Tribe has authority to give such Water Quality Certification.

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue the Nationwide Permits (NWP). NWP are issued by the Corps to authorize categories of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The Corps is proposing to reissue 56 existing NWP with associated general conditions and definitions, with some modifications. Additionally, the Corps is proposing to issue one new NWP to authorize activities to improve the passage of fish and other aquatic organisms through aquatic ecosystems.

Due to federal court decisions in *The Coalition to Protect Puget Sound v. U.S. Army Corps of Engineers* (U.S. District Court, Western District Court of Washington at Seattle and U.S. Court of Appeals for the Ninth Circuit), which vacated NWP 48 in waters within Washington State, the Corps is proposing to modify NWP 48 to exclude its use in waters within Washington State. NWP 48 is currently not available for use in Washington State, and as a result, commercial shellfish mariculture activities in Washington State are authorized through standard individual permits and letters of permission. The 2026 NWP propose to continue that practice.

On April 29, 2025, the Corps Seattle District submitted a pre-filing meeting request to the Washington State Department of Ecology (Ecology) for the NWP. On June 18, 2025, the Corps Seattle District submitted a request for Section 401 Water Quality Certification (WQC) for the NWP. The reasonable period of time for Ecology to act on the request for WQC ends on December 18, 2025.

On July 25, 2025, Ecology provided public notice of request for WQC for the NWP program to interested parties. No comments were received.

This programmatic WQC for the NWP program applies to the NWP published in the federal register on June 18, 2025, and the regional conditions proposed by the Corps Seattle District by Public Notice on June 18, 2025.

Projects and activities authorized by NWP must meet the conditions within this programmatic

WQC to be eligible for coverage. For projects and activities that cannot meet these conditions and thresholds of this programmatic WQC, or where Ecology has denied WQC for the NWPs, individual WQC is required. See Ecology's Water Quality Certification webpage for details on how to request an individual WQC.

This programmatic WQC grants with conditions WQC pursuant to Section 401 of the Clean Water Act, 33 U.S.C. §1341. Ecology has determined that the proposed discharges of those NWPs granted with conditions will comply with applicable water quality requirements pursuant to RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, and Chapter 173-201A WAC, provided the project is conducted in accordance with this programmatic WQC and the conditions herein.

Failure of any person or entity to comply with the conditions of this programmatic WQC may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards.

Project proponents are responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or Tribal authorities for projects or activities authorized by NWP. This programmatic WQC does not provide coverage under the Construction Stormwater General Permit (National Pollutant Discharge Elimination System – NPDES) or any other required NPDES or state waste discharge permit.

## **A. Description of impacts to waters of the state**

Ecology defines impacts as direct, indirect, permanent or temporary impacts to waters of the state. Activities that impact waters of the state may include temporary fill activities such as placement of temporary stream crossings, or permanent impacts such as placement of permanent structures in waterways.

Ecology defines in-water activities are any activities below the ordinary high water mark (OHWM) regardless of the presence or absence of water.

Loss of streambed refers to the permanent alteration of the stream channel bed from activities including but not limited to filling, excavation, or drainage impacting aquatic habitat and water flow. For example, straightening a meandering stream or placing a portion of a stream in a pipe is considered a loss.

For impacts to waters of the state, project proponents are required to show that they have followed the mitigation sequence and have first avoided and minimized impacts to aquatic resources wherever practicable before proposing compensatory mitigation. Project proponents should refer to the most current guidance when developing wetland mitigation plans: Wetland Mitigation in Washington State, Parts 1 and 2 (available on Ecology's website).

## **B. Projects or activities where programmatic WQC is denied**

Due to the potential loss of state waters, including wetlands, and the lack of adequate information regarding the discharge types, quantities, and specific locations, programmatic WQC is denied for projects or activities that meet the criteria below:

1. Projects or activities affecting the following aquatic resources cannot be authorized by this programmatic WQC and will require individual WQC unless authorized by *NWP 20 – Response Operations for Oil and Hazardous Substances*.

A. Wetlands with special characteristics (as defined in the Washington State Wetland Rating Systems for western and eastern Washington, Ecology Publications #14-06-029 and #14-06-030):

- i. Estuarine wetlands.
- ii. Wetlands of High Conservation Value.
- iii. Bogs.
- iv. Old-growth forested wetlands and mature forested wetlands.
- v. Wetlands in coastal lagoons.
- vi. Wetlands in dunal systems along the Washington coast.
- vii. Vernal pools.
- viii. Alkali wetlands.
- ix. Fens, aspen-dominated wetlands, camas prairie wetlands.
- x. Category I wetlands.
- xi. Category II wetlands with a habitat score  $\geq 8$  points.

B. Activities resulting in a loss of eelgrass (*Zostera marina*) beds.

2. Projects or activities that will occur in a 303(d) listed segment of a waterbody or upstream of a listed segment and may result in further exceedances of the specific listed parameter cannot be authorized by this programmatic WQC and will require individual WQC.

*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. You can contact Ecology for technical assistance as needed.*

3. Projects or activities that result in the loss of more than 300 linear feet of streambed cannot be authorized by this programmatic WQC and will require individual WQC.
4. Ecology **denies Water Quality Certification** for the NWP's identified in the table below. An individual WQC is required for projects or activities authorized under these NWP's.

NWP	Ecology Denies Programmatic WQC
12	Oil or Natural Gas Pipeline Activities
17	Hydropower Projects
21	Surface Coal Mining Activities
32	Completed Enforcement Actions
37	Emergency Watershed Protection and Rehabilitation
41	Reshaping Existing Drainage and Irrigation Ditches
44	Mining Activities
48	Commercial Shellfish Mariculture Activities <i>(not proposed for use in Washington)</i>
49	Coal Remining Activities
50	Underground Coal Mining Activities
51	Land-Based Renewable Energy Generation Facilities
52	Water-Based Renewable Energy Generation Pilot Projects
53	Removal of Low-Head Dams
54	Living Shorelines
55	Seaweed Mariculture Activities
59	Water Reclamation and Reuse Facilities
A	Activities to Improve Passage of Fish and Other Aquatic Organisms

### C. Notification of coverage under this programmatic WQC

For projects where pre-construction notification is required to the Corps, project proponents must submit a copy of the pre-construction notification to Ecology via email at [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov). Project proponents should identify the NWP(s) under which they are seeking coverage.

For projects where pre-construction notification is not required, project proponents must comply with all applicable Ecology state general and nationwide permit specific conditions as outlined in this programmatic WQC decision.

### D. State General Conditions for all Nationwide Permits

To ensure compliance with applicable water quality requirements in addition to all of the U.S. Army Corps of Engineers' (Corps) national and Seattle District's regional permit conditions, the following state general Water Quality Certification (WQC) conditions **apply to all NWPs granted with conditions** in Washington where Ecology is the certifying authority. If a project proponent is unable to meet any of the following conditions, an individual WQC is required.

1. The project proponent must ensure all projects or activities will not cause, and are not likely to cause or contribute to an exceedance of the State water quality standards, (Chapter 173-201A WAC) or sediment management standard (Chapter 173-204 WAC).
2. All projects involving land disturbance or impervious surfaces must implement



stormwater pollution prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters.

- a. For land disturbances during construction, the project proponent must obtain and implement permits (e.g., Construction Stormwater General Permit) where required and follow Ecology’s current stormwater manual.
- b. Following construction, prevention or treatment of on-going stormwater runoff from impervious surfaces shall be provided.

Note: Ecology’s Stormwater Management and Design Manuals and stormwater permit information are available on Ecology’s website.

### **E. Nationwide Permits where Ecology Grants Water Quality Certification with State General Conditions**

For the activities identified within the following NWPs, Ecology has determined that the proposed discharges will not violate applicable state water quality standards, provided the work is done in accordance with the Corps national, regional, and NWP specific conditions and Ecology’s state general conditions.

Ecology **grants Water Quality Certification (WQC) with state general conditions** for the following NWPs.

NWP	Ecology Grants Programmatic WQC with State General Conditions
1	Aids to Navigation
2	Structures in Artificial Canals
4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5	Scientific Measurement Devices
7	Outfall Structures and Associated Intake Structures
9	Structures in Fleeting and Anchorage Areas
10	Mooring Buoys
11	Temporary Recreational Structures
16	Return Water from Upland Contained Disposal Areas
20	Response Operations for Oil and Hazardous Substances
22	Removal of Vessels
25	Structural Discharges
30	Moist Soil Management for Wildlife
31	Maintenance of Existing Flood Control Facilities
33	Temporary Construction, Access, and Dewatering

### **F. Nationwide Permits Where Ecology Grants Water Quality Certification with State General and Specific Conditions**



For the activities identified within the following NWPs, Ecology has determined that the proposed discharges will not violate applicable state water quality standards, provided the work is done in accordance with the Corps national, regional, and NWP specific conditions and Ecology’s state general and specific conditions identified below.

Ecology grants **Water Quality Certification (WQC) with state general and specific conditions** for the NWPs identified in the table below.

NWP	Ecology Grants with Conditions Programmatic WQC State General and Specific Conditions
3	Maintenance
6	Survey Activities
13	Bank Stabilization
14	Linear Transportation Projects
15	U.S. Coast Guard Approved Bridges
18	Minor Discharges
19	Minor Dredging
23	Approved Categorical Exclusions
27	Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28	Modifications of Existing Marinas
29	Residential Developments
34	Cranberry Production Activities
35	Maintenance Dredging of Existing Basins
36	Boat Ramps
38	Cleanup of Hazardous and Toxic Waste
39	Commercial and Institutional Developments
40	Agricultural Activities
42	Recreational Facilities
43	Stormwater Management Facilities
45	Repair of Uplands Damaged by Discrete Events
46	Discharges in Ditches
57	Electric Utility Line and Telecommunications Activities
58	Utility Line Activities for Water and Other Substances

**3 – Maintenance**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity involves new, expansion, or complete replacement of a bank or shoreline stabilization in waters of the state; or
2. The project or activity increases the original footprint of the structure by more than 1/10th acre in wetlands; or



3. The project or activity includes adding a weir, flap gate, tide gate, or culvert to the site.

### **6 - Survey Activities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

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

### **13 - Bank Stabilization**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects and activities authorized under this NWP if:

1. The project or activity involves new, expansion, or complete replacement of a bank or shoreline stabilization in waters of the state; or
2. The project or activity has a length greater than 500 feet (individually or cumulatively) along the bank; or
3. The project or activity has not been designed and stamped by a Professional Engineer or Engineering Geologist; or
4. The project or activity exceeds an average of one cubic yard per running foot below the OHWM or High Tide Line.

### **14 - Linear Transportation Projects**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a known cleanup site; or
2. The project or activity impacts more than 1/3 acre of waters; or
3. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used. This condition does not apply when NWP 14 is combined only with NWP 27.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

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

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:



1. The project or activity triggers an individual U.S. Coast Guard bridge permit.

*Note: An Advance Approval from the U.S. Coast Guard is not considered a bridge permit and would not require Ecology individual Water Quality Certification.*

### **18 - Minor Discharges**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity has impacts to wetlands greater than  $\frac{1}{4}$  acre; or
2. The project or activity involves poured- in- place concrete below the OHWM or High Tide Line.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

### **19 - Minor Dredging**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a known contaminated or cleanup site.

### **23 - Approved Categorical Exclusions**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity has impacts to waters greater than  $\frac{1}{2}$  acre.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

### **27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a known cleanup site; or
2. The project or activity directly impacts  $\frac{1}{2}$  acre or more of tidal waters; or
3. The project or activity directly or indirectly impacts  $\frac{1}{2}$  acre or more of wetlands, including conversion of wetlands, changes to wetland hydrologic regime, soil



disturbance, or removal of native vegetation; or

4. The project or activity is an in lieu fee site, mitigation bank, or advance mitigation site.

*Note: The above conditions for NWP 27 include permanent and temporary impacts. Indirect impacts are intentionally excluded from NWP 27 specific condition 2 and included in specific condition 3.*

### **28 - Modifications to Existing Marinas**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

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

### **29 - Residential Developments**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The residential development has impacts to waters greater than ¼ acre; or
2. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

### **34 - Cranberry Production Activities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is a new, or expansion of existing cranberry operations.

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

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

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



### **36 - Boat Ramps**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a cleanup site or proposes excavation in a site that is known to have contaminated sediment or soil; or
2. The project or activity involves poured- in- place concrete below the OHWM or High Tide Line.

### **38 - Cleanup of Hazardous and Toxic Waste**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. 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.

### **39 - Commercial and Institutional Developments**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity impacts  $\frac{1}{4}$  acre or more of waters; or
2. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

### **40 - Agricultural Activities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity involves fill or mechanized clearing impacting more than  $\frac{1}{4}$  acre of waters.

### **42 - Recreational Facilities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:



1. The project or activity impacts  $\frac{1}{4}$  acre or more of waters; or
2. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

#### **43 - Stormwater Management Facilities**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity includes a Category I or Category II, wetland as part of a stormwater or flow control system. Including a Category I or Category II wetland in a stormwater treatment or flow control system is considered an impact and will need to be mitigated; or
2. The project or activity includes a Category III (with a habitat score of  $\geq 6$ ) wetland as part of a stormwater or flow control system.

#### **45 - Repair of Uplands Damaged by Discrete Events**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity involves impacts to waters greater than  $\frac{1}{2}$  acre.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

#### **46 – Discharge in Ditches**

**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity involves impacts to waters greater than  $\frac{1}{2}$  acre.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

#### **57 - Electric Utility Line and Telecommunication Activities**



**Ecology Section 401 Water Quality Certification** – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a cleanup site or proposes trenching or excavation in a site that is known to have contaminated sediment or soil; or
2. The project or activity impacts more than 1/3rd acre of waters; or
3. The project or activity requires a Federal Energy Regulatory Commission (FERC) license; or
4. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

### **58 - Utility Line Activities for Water and Other Substances**

Ecology Section 401 Water Quality Certification – Granted with conditions. Ecology individual WQC is required for projects or activities authorized under this NWP if:

1. The project or activity is in a cleanup site or proposes trenching or excavation in a site that is known to have contaminated sediment or soil; or
2. The project or activity impacts more than 1/3rd acre of waters; or
3. The project or activity requires a Federal Energy Regulatory Commission (FERC) license; or
4. The Corps issues multiple authorizations for one federal permit application where the combined impacts to waters exceed Ecology's lowest acreage threshold of any NWP used.

*Note: Ecology's definition of impacts includes direct, indirect, permanent and temporary impacts.*

