

<p>General Condition 1 – Pre-Construction Notification</p>	<p>Regional requirements would place an administrative burden far in excess of the 11 hours estimated by the ACOE to complete a Pre-Construction Notification (Federal Register/Vol 81 No 105 Pg. 35214 re: Paperwork Reduction Act) and result in a financial impact to local government. Please evaluate this regional impact to local governments in accordance with NEPA or revise the Pre-Construction Notification requirements.</p> <p>Federal conditions encourage the submission of the Pre-Construction Notification in electronic format (Federal Register/Vol 81 No 105 pg. 35237). Please revise condition to allow for submission in electronic formats.</p>
<p>General Condition 3 – New Bank Stabilization in Tidal Waters of the Salish Sea</p>	<p>Regional requirements would place an increased burden on road maintenance near tidal waters and may make maintenance of such roadways economically infeasible. Prolonged permitting would result in roadways sustaining additional damage and increase the size and scope of repairs. Please evaluate this regional impact to local governments in accordance with NEPA or revise the general condition.</p> <p>Please note that federal conditions acknowledge that “general permits are an important tool for protecting the environment by providing incentives to minimize impacts to jurisdictional waters and wetlands to qualify for a streamlined authorization process” (Federal Register/Vol 87 No 105 pg. 35191). Environmental resources can be protected through the Nationwide Permit process.</p>
<p>General Condition 5 – Bank Stabilization</p>	<p>Please clarify the intent of the revisions. Are activities exempted by 33 CFR 323.4 (a)(2) required to comply with General Condition 5? If so, then the regional condition would require a “pseudo-permit” for work specifically exempted from these requirements. This would increase the administrative burden on local governments; delays in maintenance may result in infrastructure sustaining additional damage and increase the size and scope of repairs. Please evaluate this regional impact to local governments in accordance with NEPA or revise the general condition to clarify that it does not apply to activities exempted by 33 CFR 323.4 (a)(2).</p>
<p>General Condition 6 – Crossings of Waters of the United States</p>	<p>See comment to General 5 regarding struck language about 33 CFR 323.4 (a)(2).</p> <p>Requirements address all salmonid species, including non-ESA species. Salmonid is <u>assumed</u> to include any fish in the family <i>Salmonidae</i> including salmon, trout, char, whitefish and grayling because this term is undefined in the draft regional conditions. ACOE does not directly manage wildlife therefore, provisions should be limited to segments of the environment</p>

	<p>that the ACOE regulates, or are regulated by other federal agencies through consultation. Inclusion of non-federally regulated salmonid species is arbitrary. Please revise the general condition to reflect the ACOE scope of authority.</p> <p>Increased requirements for specific design standard based on wildlife limit other agencies who directly manage these resource from taking the primary role in their management. It discourages innovative design solutions that these agencies and tribes may approve of by requiring additional analysis and justification for non-stream sim designs.</p> <p>Stream sim and emergency replacement requirements may result in a standard that local government permittees cannot meet if the required culvert size results in a design that extends beyond the right of way and the adjacent landowner is unwilling to grant an easement. Delays in maintenance may result in infrastructure sustaining additional damage, risking public safety and increasing the size and scope of repairs.</p> <p>After the fact culvert replacement limits design to stream sim only when other design standards may be approved by agencies that directly regulate wildlife. This requirement may prolong salmonid recovery by prioritizing local government resources on culverts that have failed rather than infrastructure that poses a significant barrier to salmonids.</p> <p>New requirements to establish a monitoring and maintenance plan for all culverts replaced would result in a financial impact to local government. Please evaluate this impact with an economic impact statement to local governments as part of the NEPA process; or revise the general condition to eliminate the requirement. If funding is not attached to new requirements, then it will reduce local government’s ability to provide services.</p> <p>New requirements to determine if salmonid species are present, and develop monitoring and maintenance plans may delay projects for several years. This delay may endanger public safety and result in water quality violations. Please evaluate these impacts as part of the NEPA process; or revise the general condition to eliminate the requirement.</p>
<p>General Condition 7 – Stream Loss</p>	<p>This may limit the way local governments could manage drainage and may result in infrastructure damage, local property flooding, and shorter infrastructure design life. For example, if a perennial stream is scouring out a bridge abutment, then logs could not be installed upstream to direct the water towards the center of the channel if it lowers the sinuosity of the reach. Rip rap would be continually replaced along the abutment because alternate solutions would be prohibited. Tribes have suggested design solutions in some cases that would reduce the overall stream lengths in order to align bridges better</p>

	<p>with the upstream and downstream reaches. However because the <u>primary</u> purpose is failing infrastructure and not improvement of ecological function, then it would not be permitted under the proposed language.</p> <p>Streams are not static and there are many reasons stream length may increase or decrease due to natural conditions, land use, and private citizen actions. Local governments need the ability to manage water crossings and ditches so that they convey water, prevent unsafe road conditions and property flooding. Please revise the general condition to address these risks.</p>
General Condition 8 – Mitigation	The requirements for streams are ambiguous. Under this condition the ACOE could require anything and there would be no way to ensure projects are being treated consistently. Mitigation required for in stream work should be clarified in order for the public to provide meaningful comment.
NWP #13 – Bank Stabilization	<p>Regional requirements would place an increased burden on road maintenance near tidal waters and may make maintenance of such roadways economically infeasible. Prolonged permitting would result in roadways sustaining additional damage and increase the size and scope of repairs. Please evaluate this regional impact to local governments in accordance with NEPA or revise the general condition.</p> <p>Please note that federal conditions acknowledge that “general permits are an important tool for protecting the environment by providing incentives to minimize impacts to jurisdictional waters and wetlands to qualify for a streamlined authorization process” (Federal Register/Vol 87 No 105 pg. 35191). Environmental resources can be protected through the Nationwide Permit process.</p>
NWP #27 – Aquatic Habitat Restoration, Establishment and Enhancement Activities	New requirements to establish a monitoring and maintenance plan for Aquatic Habitat Restoration, Establishment and Enhancement Activities would result in a financial impact to local government. Please evaluate these impacts with an economic impact statement to local governments as part of the NEPA process; or revise the NWP condition to eliminate the requirement. If funding is not attached to new requirements, then it will reduce local government’s ability to provide services.

<p>NWP #33 – Temporary Construction, Access, and Dewatering</p>	<p>Regional requirements would place an administrative burden far in excess of the 11 hours estimated by the ACOE to complete a Pre-Construction Notification (Federal Register/Vol 81 No 105 Pg. 35214 re: Paperwork Reduction Act) and result in a financial impact to local government. Please evaluate this regional impact to local governments in accordance with NEPA or revise the Pre-Construction Notification requirements.</p> <p>Federal conditions encourage the submission of the Pre-Construction Notification in electronic format (Federal Register/ Vol 81 No 105 pg. 35237). Please revise condition to allow for submission in electronic formats.</p>
<p>NWP #41 – Reshaping Existing Drainage Ditches</p>	<p>Hydro seeding and planting requirements may not be appropriate in all situations (e.g. high slopes or if work is complete during season when hydro seeding and planting would not be successful). Please revise to allow multiple types of BMPs in compliance with the NPDES.</p> <p>Regional requirements would place an administrative burden far in excess of the 11 hours estimated by the ACOE to complete a Pre-Construction Notification (Federal Register/Vol 81 No 105 Pg. 35214 re: Paperwork Reduction Act) and result in a financial impact to local government. Please evaluate this regional impact to local governments in accordance with NEPA or revise the Pre-Construction Notification requirements.</p> <p>Federal conditions encourage the submission of the Pre-Construction Notification in electronic format (Federal Register/ Vol 81 No 105 pg. 35237). Please revise condition to allow for submission in electronic formats.</p>

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