



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
4735 E. Marginal Way S., Bldg 1202
Seattle, Washington 98134-2388
Telephone (206) 764-3495
ATTN: Matthew Bennett

Public Notice Date: March 15, 2024

REVOCATION OF THE USE OF 2021 NATIONWIDE PERMIT 48 – COMMERCIAL SHELLFISH MARICULTURE, WITHIN WASHINGTON STATE

Nationwide permits (NWP) 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. NWP 48 authorizes commercial shellfish mariculture activities. Division Engineers are authorized to modify, suspend, or revoke nationwide permits for any specific geographic area, class of activities, or class of waters within their division, including on a statewide basis.

On October 19, 2023, a Special Public Notice was issued announcing that the Northwestern Division Engineer was proposing to exercise his discretionary authority to revoke the 2021 NWP 48 within the State of Washington. The Special Public Notice provided an opportunity for interested parties to express their views on the proposed revocation. Additional coordination was conducted with other agencies and Tribes. No comments were received.

The Division Engineer has determined that it is in the public interest to exercise his discretionary authority to revoke the use of the 2021 NWP 48 within the State of Washington for the reasons described in the October 19, 2023 Special Public Notice. The Division Engineer has further determined that it is appropriate to provide those commercial mariculture operations currently relying on the 2021 NWP 48 in Washington a 12-month “grandfathering period” during which time current verifications would remain valid, unless the District Engineer takes action to modify, suspend or revoke a particular NWP authorization on a case-by-case basis in accordance with the procedures at 33 C.F.R. § 330.5(d). This proposed 12-month grandfathering period runs from the date of publication of this Special Public Notice.