



**US Army Corps  
of Engineers**  
Portland District

## **Nationwide (NWP) Regional Permit Conditions Portland District**

The following Nationwide Permit (NWP) regional conditions are for the Portland District Regulatory Branch boundary. Regional conditions are placed on NWPs to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resource concerns.

### ALL NWPs –

1. **High Value Aquatic Resources:** Except for NWPs 3, 20, 27, 32, 38, 47 and 48, any activity that would result in a loss of waters of the United States (U.S.) in a high value aquatic resource is not authorized by NWP. High value aquatic resources in Oregon include bogs, fens, wetlands in dunal systems along the Oregon coast, eel grass beds, vernal pools, aspen-dominated wetlands, alkali wetlands, and Willamette Valley wet prairie wetlands.
  - Ø Willamette Valley wet prairie wetlands are characterized by high species diversity with a dominance of cespitose graminoids such as tufted hairgrass (*Deschampsia caespitosa*). Plant species associated with Willamette Valley wet prairie wetlands may also include ESA-listed plants such as Bradshaw's lomatium (*Lomatium bradshawii*), Willamette daisy (*Erigeron decumbens* var. *decumbens*), Nelson's checkermallow (*Sidalcea nelsoniana*) and rough popcorn flower (*Plagiobothrys hirtus*). Soil series associated with Willamette Valley wet prairie wetlands may include, but are not limited to, the Dayton, Amity, Bashaw, Natroy, and Waldo series.
2. **In-water Work Window:** All in-water work shall be conducted during the listed in-water work window, as applicable (Refer to Oregon Department of Fish and Wildlife (ODFW) "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" [http://www.dfw.state.or.us/lands/inwater/inwater\\_guide.pdf](http://www.dfw.state.or.us/lands/inwater/inwater_guide.pdf)).
3. **Cultural Resources and Human Burials:** Permittees shall immediately notify the Portland District Regulatory Branch if at any time during the course of the work authorized, human burials, cultural resources, or historic properties, as identified by the National Historic Preservation Act, may be affected (Refer to General Condition 18). Notification shall be by fax (503-808-4375) within 24 hours of the discovery and in writing within 48 hours. Failure to stop work in the area of exposure until such time as the Corps has complied with the provisions of 33 CFR 325, Appendix C, the National Historic Preservation Act and other pertinent regulations, could result in violation of state and federal laws. Violators are subject to civil and criminal penalties.
4. **Erosion Control:** During construction, permittee shall ensure that all practicable erosion and sediment control measures are installed and maintained in good working order to prevent unauthorized discharge of materials carried by precipitation, snow melt, wind or any other conveyance mechanism into any waterways and wetlands. The permittee is referred to Oregon Department of Environmental Quality's (DEQ) *Oregon Sediment and Erosion Control Manual*, April 2005, for proper implementation of practicable sediment and erosion control measures.
5. **Heavy Equipment:** Permittee shall ensure that all heavy equipment is operated from the bank and not placed in the stream unless specifically authorized by the District Engineer. Heavy equipment working in waters of the U.S. shall be placed on removable mats or pads. Following the removal of the mats or pads, the area shall be restored to pre-project conditions.
6. **Deleterious Waste:** All discharge water created during construction (e.g. concrete washout, pumping for work area isolation, vehicle wash water, drilling fluids, etc.) shall be treated to remove debris, sediment, petroleum products, metals, and other pollutants likely to be present.

7. **Fish Passage:** The permittee shall ensure activities authorized by nationwide permit will not restrict passage of aquatic life. Activities such as the installation of culverts, intake structures, diversion structures, or other modifications to channel morphology, must be designed to be consistent with fish passage standards developed by the Oregon Department of Fish and Wildlife (ODFW) and the National Marine Fisheries Service (NMFS). The standards can be found at OAR 635-412-0035. The streambed shall be returned to pre-construction contours after construction unless the purpose of the activity is to eliminate a fish barrier.
8. **Fish Screening:** The permittee shall ensure that all intake pipes utilize fish screening that complies with standards developed by NMFS (Juvenile Fish Screen Criteria (revised February 16, 1995) and Addendum: Juvenile Fish Screen Criteria for Pump Intakes (May 9, 1996)).
9. **Upland Disposal:** Material disposed of in uplands shall be placed in a location and manner that prevents discharge of the material and/or return water into waterways or wetlands unless otherwise authorized by the Corps of Engineers (such as by NWP 16).
10. **Inspection of the Project Site:** The permittee shall allow representatives of the Corps to inspect the authorized activity to confirm compliance with nationwide permit terms and conditions. A request for access to the site will normally be made sufficiently in advance to allow a property owner or representative to be on site with the agency representative making the inspection.
11. **Sale of Property/Transfer of Permit:** The permittee shall obtain the signature(s) of the new owner(s) and transfer this permit in the event the permittee sells the property associated with this permit. To validate the transfer of this permit authorization, a copy of this permit with the new owner(s) signature shall be sent to the Portland District office at the following address: U.S. Army Corps of Engineers, CENWP-OD-G, P.O. Box 2946, Portland, Oregon, 97208-2946.

#### NWP 3 – Maintenance

1. Permittee shall ensure project design includes appropriate grade control necessary to prevent headcutting of streambanks and erosion.

#### NWP 5 – Scientific Measurement Devices

1. The permittee shall remove all scientific measurement devices within 30 days after research is completed.

#### NWP 6 – Survey Activities

1. Use of in-water explosives is not authorized under this NWP.
2. The permittee shall ensure that all in-stream exploratory trenching is conducted in the dry.

#### NWP 12 – Utility Line Activities

1. The permittee shall ensure that utility lines buried within or adjacent to wetland areas utilize trench-blockers of a type and design sufficient to prevent the drainage of the wetland areas (e.g. bentonite clay plugs, compacted sand bags, etc.).
2. The upper 12 inches of topsoil must be removed and stockpiled separately from subsurface soils and shall be used as the final layer in backfilling the trench.

#### NWP 13 – Bank Stabilization

1. The project design shall include the use of bioengineering techniques and natural products (e.g. vegetation and organic material such as root wads) to the maximum extent practicable and minimize the use of rock. Non-biodegradable materials, such as plastic netting, that may entrap wildlife or pose a safety concern may not be used for soil stabilization. Riparian plantings shall be included in all project designs unless the permittee can demonstrate that such plantings are not practicable. Rip-rap shall be clean, durable, angular rock.
2. Work shall be performed in the dry or during low flows.

#### NWP 29 – Residential Developments

1. Wetland impacts associated with the construction or expansion of a single residence including attendant features (utility lines, roads, yards, etc) shall not exceed ¼ acre.
2. Fill into tributaries regulated as waters of the U.S. shall be limited to the creation of access roads.

#### NWP 33 – Temporary Construction, Access, and Dewatering

1. Work shall be performed in the dry or during low flows.
2. Cofferdams shall be constructed of non-erosive material, such as concrete jersey barriers, sand and gravel bag dams, or water bladders. Constructing a cofferdam by pushing material from the streambed or sloughing material from the streambanks is not authorized under NWP 33.
3. Sand and gravel bag dams shall be lined with a plastic liner or geotextile fabric to reduce permeability and prevent sediments and/or construction materials from entering the waterway.
4. Downstream flows shall be maintained by routing flows around the construction site with a pump, bypass pipe, or diversion channel.
5. A sediment basin shall be used to settle sediments in return water prior to release back into the waterway. Settled water shall be returned to the waterway in such a manner as to avoid erosion of the streambank.

#### NWP 39 – Commercial and Institutional Developments

1. Fill into tributaries regulated as waters of the U.S. shall be limited to creation of access roads.
2. This NWP does not authorize discharges into open water.

#### NWP 40 – Agricultural Activities

1. Acreage impacts authorized by this NWP are cumulative for contiguous farm tracts under the same ownership. When impacts to contiguous farm tracts under the same ownership reach ½ acre, no further discharges to waters of the United States may be authorized under NWP 40.

#### NWP 41 – Reshaping Existing Drainage Ditches

1. Work shall be performed in the dry or during low flows.

#### NWP 42- Recreational Facilities

1. Fill into tributaries regulated as waters of the U.S. shall be limited to creation of access roads.
2. This NWP does not authorize discharges into open water.

#### NWP 43- Stormwater Management Facilities

1. Work shall be performed in the dry or during low flows.
2. This NWP does not authorize the retention of water, in excess of that required to meet stormwater management requirements, for purposes such as recreational lakes, reflecting pools, irrigation, etc.