



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PACIFIC OCEAN DIVISION
BUILDING 525
FORT SHAFTER, HAWAII 96858

REPLY TO
ATTENTION OF:

CEPOD-PDC (1145b)

19 March 2012

MEMORANDUM FOR COMMANDER, HONOLULU ENGINEER DISTRICT

SUBJECT: Honolulu District Area of Operation Regional Conditions and Supplemental Decision Documents for the Re-issuance of Nationwide Permits

1. References.

a. 40 Code of Federal Regulations, Part 230, Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material, Clean Water Act of 1977.

b. 33 Code of Federal Regulations, Part 330 – Nationwide Permit Program, Subparts 330.4, paragraph(e)(1) and 330.5, paragraph (c), 1991.

c. *Federal Register*, Vol. 77, No. 34, page 10184, Tuesday, February 21, 2012.

2. In reference 1.c., the U.S. Army Corps of Engineers announced the following actions, all of which are effective March 19, 2012.

a. reissuance of 48 existing Nationwide Permits (NWP) and 28 existing NWP general conditions.

b. issuance of two new NWP and three new NWP general conditions.

3. For each of the reissued and new NWP, Headquarters, U.S. Army Corps of Engineers (HQUSACE) issued a national decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and, if the NWP authorizes discharges of dredged or fill material into waters of the United States, a Section 404(b)(1) Guidelines (reference 1.a.) analysis. In compliance with reference 1.b., the Division Engineer has the authority to issue supplemental decision documents and associated regional conditions to address regional factors relating to the public interest, compliance with reference 1.a., and any potential adverse effects on the human environment, to ensure that the NWP, as augmented by the regional conditions, authorize only those activities that result in no more than minimal individual and cumulative adverse effects on the aquatic environment.

4. Each supplemental decision document prepared by the Honolulu District discusses, as appropriate, regional conditions that are necessary to ensure that activities authorized by the NWP result in no more than minimal individual and cumulative adverse effects on the aquatic environment. Honolulu District has developed nine (9) regional conditions that may be used

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individually or in combination with the 2012 NWP. These regional conditions are described in enclosure 1 and those that apply to a specific NWP are listed in paragraph 10 of each of the supplemental decision documents in enclosure 2.


5. The supplemental decision documents also explain why the suspension or revocation of a specific NWP is necessary. Honolulu District has submitted 10 NWPs for revocation. Based on the considerations addressed in paragraph 3 of the supplement decision document for NWPs 21 (Surface Coal Mining Activities), 24 (Indian Tribe or State Administrated Section 404 Programs), 29 (Residential Developments), 34 (Cranberry Production Activities), 39 (Commercial and Institutional Developments), 42 (Recreational Facilities), 44 (Mining Activities), 49 (Coal Remining Activities), 50 (Underground Coal Mining Activities) and 52 (Water-Based Renewable Energy Generation Facilities), I hereby revoke application of these NWPs in the Honolulu District area of operation.

6. In accordance with reference 1.b., and based on the considerations discussed in each of the supplemental decision documents developed by the Honolulu District and recommended by the Honolulu District Commander, I hereby issue NWPs numbers 1-20, 22, 23, 25, 27, 28, 30-33, 35-38, 40, 41, 43, 45-46, 49 and 51 including the limitations, terms and conditions, and applicable regional conditions contained in enclosure 1, to take effect in the Honolulu District's area of operation. I am issuing these NWPs based on my determination that they will authorize only activities that result in no more than minimal individual and cumulative adverse effects on the aquatic environment.

7. Please direct any questions to my Regulatory Program Manager, Mr. Thom E. Lichte, (808) 438-0397, or Thom.E.Lichte@usace.army.mil.

Encls

1. Regional Conditions
2. Supplemental Decision Documents



RICHARD L. STEVENS
Brigadier General, USA
Commanding