



DEPARTMENT OF THE ARMY  
PACIFIC OCEAN DIVISION, CORPS OF ENGINEERS  
FORT SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF:

CEPOD-PDC (1145b)

14 May 2007

MEMORANDUM FOR COMMANDER, ALASKA ENGINEER DISTRICT

SUBJECT: Minimal Adverse Effect Determination for the Nationwide Permits (NWP)  
Published in the March 12, 2007 Federal Register

1. In the March 12, 2007 issue of the Federal Register (72 FR 11092 – 11198), the U.S. Army Corps of Engineers (Corps) announced the reissuance of all 43 existing Nationwide Permits (NWP) and the issuance of six new NWP. In this Federal Register notice, the Corps also announced the reissuance of 26 existing NWP general conditions and two new NWP general conditions. The NWP and the general conditions went into effect on March 19, 2007.
2. For each of the reissued and new NWP, the Corps' Headquarters issued a national decision document that contained an Environmental Assessment, a Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines alternatives analysis. The Office of the Chief of Engineers has determined that division engineers will issue supplemental decision documents to address locally important factors relating to the public interest, compliance with the 404(b)(1) Guidelines, and any potential adverse effects on the human environment, to ensure that the NWP authorize only those activities that result in no more than minimal individual and cumulative adverse effects on the aquatic environment.
3. Each supplemental decision document prepared by the Alaska District also discusses, as appropriate, regional conditions (Encl 1) that are necessary to ensure that activities authorized by each NWP result in no more than minimal individual and cumulative adverse effects on the environment. Ten (10) regional conditions for the 2007 NWP authorized in Alaska have been developed to ensure that authorized activities result in no more than minimal adverse effects.
4. Based on the considerations addressed in the supplement (Encl 2) to the national decision document for NWP 48, Commercial Shellfish Aquaculture Activities, described above, and in accordance with 33 CFR 330.4(e)(1) and 330.5(c), I have determined this NWP is revoked in Alaska.
5. Based on the considerations addressed in the supplements to the national decision documents for the remaining 48 NWP described above, and in accordance with 33 CFR 330.4(e)(1) and 330.5(c), I have determined these NWP, including the limitations, terms and conditions, and applicable regional conditions, will authorize only those activities with minimal adverse effects on the aquatic environment, individually or cumulatively. Therefore, I hereby approve the use of these regionally conditioned NWP.

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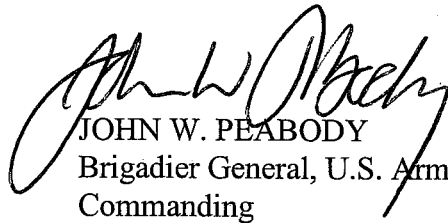
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6. Please direct any questions to my Pacific Ocean Division Regulatory Program Manager,  
Mr. Thom E. Lichte, (808) 438-0397.

2 Encls

1. Regional Conditions

2. Supplemental Decision Documents



JOHN W. PEABODY  
Brigadier General, U.S. Army  
Commanding