



DEPARTMENT OF THE ARMY
SOUTHWESTERN DIVISION, CORPS OF ENGINEERS
1100 COMMERCE STREET, SUITE 831
DALLAS TX 75242-1317

CESWD-PDO

28 MAR 2017

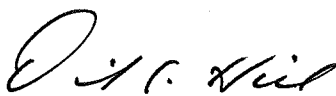
MEMORANDUM FOR THE RECORD

SUBJECT: Supplemental Decision Documents for the 2017 Nationwide Permits, Published in the January 6, 2017, issue of the *Federal Register*.

1. In the January 6, 2017, issue of the *Federal Register* (82 FR 1860), the U.S. Army Corps of Engineers (Corps) announced the reissuance of 50 existing Nationwide Permits (NWP) and the issuance of two new NWP. In this *Federal Register* notice, the Corps also announced the reissuance of 31 existing NWP general conditions and one new NWP general condition. The NWP and the general conditions go into effect on March 19, 2017.
2. For each of the reissued and new NWP, HQUSACE issued a 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 Clean Water Act section 404(b)(1) Guidelines analysis. The division engineer has the authority to assert discretionary authority by modifying, suspending, or revoking NWP authorizations for a specific geographic area, class of activity, or class of waters, whenever he or she determines there are sufficient concerns for the environment under the Clean Water Act section 404(b)(1) Guidelines or for any other factor of the public interest, or if he or she determines that the NWP would result in more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.4(e)(1)). In accordance with 33 CFR 330.5(c)(1)(iii), division engineers prepare supplemental decision documents for the NWP. The supplemental decision documents (SDD's) address locally important factors relating to the environment, the public interest, and when applicable, compliance with the 404(b)(1) Guidelines, to ensure that the NWP authorize only those activities that result in no more than minimal individual and cumulative adverse environmental effects. Division engineers may also suspend or revoke one or more NWP in a specific geographic area.
3. Each SDD for a NWP also discusses, as appropriate, regional conditions that are necessary to ensure that activities authorized by that NWP will result in no more than minimal individual and cumulative adverse environmental effects.
4. I also approve the water quality certification (WQC) and coastal zone consistency regional conditions issued by the State of Texas with the exception of the condition pertaining to NWP 16. I consider WQC denied for NWP 16 due to unenforceability.
5. Based on the considerations discussed in each of the SDD's and in accordance with 33 CFR 330.4(e)(1) and 330.5(c), I have determined that each NWP that will be available for use in Texas, will only authorize those activities that result in no more than minimal individual and cumulative adverse environmental effects.

Enclosures

Date: 28 MAR 2017



DAVID C. HILL
Brigadier General, USA
Commanding