

**2021 Nationwide Permits – Standard commitments crosswalk**

This list contains standard commitments in effect after the US Army Corps of Engineers (Corps) verifies the project under a 2021 Nationwide Permit (NWP) and the work is covered under the programmatic 401 Water Quality Certification (WQC). Check the verification letter and the permit application for additional project-specific commitments. If the project received an Individual WQC, replace commitments NWP X and Y with commitments from the application and Individual WQC.

Do not use this commitment list for Design-Build projects that go to RFP before WSDOT submits a permit application. Instead, attach the Terms & conditions for the NWP you believe the work will be permitted under and use Section 2.8 of the Request For Proposal (RFP) to clarify the role of the Design-Builder in the permitting efforts. The Terms & conditions include all the thresholds and application requirements that are important for the Design-Builder to be aware of. Language in the RFP could include a requirement that the Design-Builder design the project to fit within the parameters of NWP 14 and all the National and Regional NWP conditions.

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NWP-00			Check the permit application, verification letter, and Section 401 documents for project-specific commitments.	Design	WSDOT		None
NWP-01	VerLtr-1	Based on the information provided, the Nationwide Permit [#] authorizes your proposal as depicted on the enclosed drawings dated [date].	The Contractor shall construct the project as shown on the application drawings dated \$\$\$1\$\$\$. If the Contractor deviates from the drawings, they shall notify WSDOT before starting the work.	Construction	Contractor	SS 1-07.5(1)	None
NWP-02	VerLtr-2	You must implement and abide by the Endangered Species Act (ESA) requirements and/or agreements set forth for the project. Failure to comply with the commitments made in this consultation constitutes non-compliance with the ESA and your US Army Corps of Engineers permit.	The Contractor shall comply with the Endangered Species Act consultation commitments for this project.	Construction	Contractor	ESA, GSP 8-SA3.GR8	None
NWP-03	VerifLtr-3	You shall implement and abide by the mitigation plan for the project dated [date].	WSDOT will ensure that all mitigation commitments from the mitigation plan for this project, dated \$\$\$1\$\$\$, are met.	Design, Construction, Maintenance	WSDOT	Mitigation Plan	None
NWP-04	VerifLtr-4	You must implement and abide by the restoration plans in the approved project drawing dated [date].	The Contractor shall abide by the restoration plan dated \$\$\$1\$\$\$.	Construction	Contractor	Restoration Plan	None
NWP-05	VerifLtr-5	An as-built report and as-built drawings and photographs of the activity shall be submitted within 13 months from the date of this authorization. This report must be submitted to the US Army Corps of Engineers, Seattle District, Regulatory Branch at nws.compliance@usace.army.mil and must prominently display the reference number.	WSDOT will submit an as-built report, as-built drawings, and photographs of restoration work to the US Army Corps of Engineers, Seattle District, Regulatory Branch at nws.compliance@usace.army.mil with the reference number prominently placed within 13 months of the permit decision issued on \$\$\$1\$\$\$.	Construction	WSDOT		None
NWP-06	VerifLtr-6	Our verification of this NWP authorization is valid until March 14, 2026, unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date and you have commenced or are under contract to commence this activity before March 14, 2026, you will have until March 14, 2027, to complete the activity under the enclosed terms and conditions of this NWP. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act.	WSDOT will apply for new permit coverage if the Contractor will not complete work before March 14, 2027, when this permit coverage expires.	Construction	WSDOT		None

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NWP-07	VerifLtr-7	The permittee must provide a copy of the nationwide permit authorization letter, conditions, and permit drawings to all contractors and any other parties performing the authorized work prior to the commencement of any work in waters of the US The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter.	WSDOT will provide the Contractor with a copy of the most recent nationwide permit verification letter, conditions, and permit drawings before they are allowed to commence work in waters of the US	Construction	WSDOT		None
NWP-08	VerifLtr-8	The permittee must ensure all appropriate contractors and any other parties performing the authorized work at the project site have read and understand relevant NWP conditions as well as plans, approvals, and documents referenced in the NWP letter.	The Contractor shall provide copies of the Army Corps nationwide permit verification letter, conditions, and permit drawings to all sub-contractors involved with the authorized work prior to their commencement of any work in waters of the US	Construction	Contractor	SS 1-07.5(5)	None
NWP-09	VerifLtr-9	A copy of these documents must be maintained onsite throughout the duration of construction.	The Contractor shall retain a copy of the most recent US Army Corps nationwide permit verification letter, conditions, and permit drawings on the worksite for the life of the Contract.	Construction	Contractor	SS 1-07.5(5)	None
NWP-10	NGC-03	Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.	The Contractor shall avoid work in spawning areas during spawning seasons by scheduling in-water work during the designated forage fish windows.	Construction	Contractor	HPA, ESA, GSP 8-SA3.GR8	None
NWP-11	NGC-04 (and 19)	Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.	The Contractor shall avoid activities in waters of the United States that serve as breeding areas for migratory birds to the maximum extent practicable and shall comply with all MBTA commitments.	Construction	Contractor	GSP 1-07.5(6).OPT1(R).FR1	None
NWP-12	NGC-06	No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).	The Contractor shall not use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged will be free from toxic pollutants in toxic amounts.	Construction	Contractor	SS 1-07.1 SS 1-07.5(1)	None
NWP-13	NGC-07	No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.	The Contractor shall not perform work in the proximity of a public water supply intake, except where the activity is covered in the permitted work and is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.	Construction	Contractor	SS 1-07.1 SS 1-07.5(1)	None
NWP-14	NGC-08	If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.	If the Contractor creates an impoundment of water, they shall manage flows to minimize the risks of adverse effects to the aquatic system due to accelerated flows.	Construction	Contractor	GSP 1-07.5(5).OPT1(C).GR1T	None
NWP-15	NGC-09	The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows.	The Contractor shall schedule and site work, including temporary fill and structures, in a way that the work will withstand expected high flows.	Construction	Contractor	TESCM 2-1.2.1	None

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NWP-16	NGC-10	The activity must comply with applicable FEMA-approved state or local floodplain management requirements.	The Contractor shall comply with all state or local floodplain management requirements.	Construction	Contractor	Floodplain permit, GSP 8-SA3.GR8, GSP 1-07.5(6).OPT1(B).GR1	None
NWP-17	NGC-11	Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.	The Contractor will place all heavy equipment working in wetlands or mudflats on mats or take other measures to minimize soil disturbance.	Construction	Contractor	GSP 1-07.5(5).OPT1(D).GR1	None
NWP-18	NGC-12	Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.	The Contractor shall implement and maintain appropriate soil erosion and sediment controls in effective operating condition during construction.	Construction	Contractor	SS 8-01, TESCM	None
NWP-19	NGC-12	Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.	The Contractor shall permanently stabilize all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, at the earliest practicable date.	Construction	Contractor	TESCM 2-1.2.1	None
NWP-20	NGC-13	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated as appropriate.	The Contractor shall remove temporary fills in their entirety and return the affected areas to pre-construction elevations.	Construction	Contractor	SS 1-07.5(5)	None
NWP-21	NGC-14	Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.	WSDOT will maintain all permitted structures and fill in compliance with the permit conditions.	Maintenance	WSDOT		None
NWP-22	NGC-17	No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.	WSDOT's activities or operations will not cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.	All	WSDOT		None
NWP-23	NGC-17	No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.	The Contractor's activities or operations shall not cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.	Construction	Contractor	SS 1-02.4(1), SS 1-07.1	None
NWP-24	NGC-21	If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.	WSDOT will immediately notify the US Army Corps district engineer if the Contractor discovers previously unknown historic, cultural, or archeological remains and artifacts while performing work authorized by this permit.	Construction	WSDOT	UDP	None

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NWP-25	NGC-21	If you discover any previously unknown historic, cultural, or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.	The Contractor shall immediately notify WSDOT if they discover any previously unknown historic, cultural, or archeological remains or artifacts while performing work authorized by this permit. The Contractor must stop all construction activities that may affect the remains and artifacts until the WSDOT Project Engineer provides notice to continue work where the remains or artifacts were discovered.	Construction	Contractor	UDP GSP 1-07.16(4).GR1,	None
NWP-26	NGC-23	The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).	The Contractor shall construct the activity to avoid and minimize temporary and permanent adverse effects to waters of the United States.	Construction	Contractor	SS 1-07.1, SS 1-07.5(1)	None
NWP-27	NGC-30	Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. [...] The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.	WSDOT will sign and submit the Certification of Compliance to the Corps Within 30 days of completion of authorized work and compensatory mitigation.	Construction	WSDOT		None
NWP-28	RGC-8	Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.	The Contractor shall install high visibility fencing in accordance with WSDOT Standard Specification 1-07.16(2)A prior to any other work on-site.	Construction	Contractor	SS 1-07.16(2)A, SS 1-08.4	None
NWP-29	RGC-8	Permittees must clearly mark all construction area boundaries before beginning work on projects that involve grading or placement of fill. Boundary markers and/or construction fencing must be maintained and clearly visible for the duration of construction. Permittees should avoid and minimize removal of native vegetation (including submerged aquatic vegetation) to the maximum extent possible.	The Contractor shall, at a minimum, save and protect existing vegetation where shown in the plans or designated by WSDOT. The Contractor will further avoid and minimize the removal of vegetation to the maximum extent possible.	Construction	Contractor	SS 1-07.16(2), SS 1-08.4, SS 8-02.3(2), TECM 2-1.1.3	None

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NWP-30	RGC-9	For any nationwide permit that may affect threatened or endangered species; Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries, National Marine Fisheries Service (NMFS) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the US or structures or work in navigable waters of the US authorized by this Nationwide Permit verification shall be reported to NMFS, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the US Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by the NMFS to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.	The Contractor shall immediately notify WSDOT if any individuals of any threatened or endangered species listed by the National Oceanic and Atmospheric Administration Fisheries, National Marine Fisheries Service (NMFS) are injured or killed as a result of the work in waters of the US or work on structures over or in navigable waters of the US. The Contractor shall not touch or disturb the animal and will note the circumstances likely causing the death of injury, note the location and number of individuals involved, and take photos.	Construction	Contractor	ESA SS 1-07, SS 1-07.1	None
NWP-31	RGC-9	For any nationwide permit that may affect threatened or endangered species; Incidents where any individuals of fish species, marine mammals and/or sea turtles listed by National Oceanic and Atmospheric Administration Fisheries, National Marine Fisheries Service (NMFS) under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the US or structures or work in navigable waters of the US authorized by this Nationwide Permit verification shall be reported to NMFS, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Seattle District of the US Army Corps of Engineers at (206) 764-3495. The finder should leave the animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure or some unnatural cause. The finder may be asked to carry out instructions provided by the NMFS to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.	WSDOT will immediately notify, National Marine Fisheries Service (NMFS) Office of Protected Resources at (301)713-1401, the Seattle District of the US Army Corps of Engineers (Corps) at (206) 764-3495, and the Corps and NMFS liaisons assigned to the project if any individuals of any threatened or endangered species listed by NMFS are injured or killed as a result of the work in waters of the US or work on structures over or in navigable waters of the US.	Construction	WSDOT	ESA	None
NWP-32	WQC-7	All projects that involve land disturbance or impervious surfaces must implement prevention or control measures to avoid discharge of pollutants in stormwater runoff to waters of the state.	The Contractor shall prepare and implement a SWPPP to prevent pollutants from entering stormwater from impervious surfaces and disturbed land.	Construction	Contractor	SS 8-01.3(1)A	None
NWP-33	WQC-7	Following construction, prevention, or treatment of on-going stormwater runoff from impervious surfaces shall be provided.	WSDOT shall treat post-construction stormwater runoff from impervious surfaces in accordance with the Highway Runoff Manual.	Maintenance & operations	WSDOT	WSDOT Highway Runoff Manual WSDOT Maintenance Manual	None