

NATIONWIDE PERMIT SUMMARY TABLE EDITED BY THE PRPB COASTAL ZONE UNIT OF THE PUERTO RICO PLANNING BOARD

| Nationwide Permit | Description of Authorized Activities | Pre-Construction Notification Requirement | Regional Conditions Applicable to Specific Nationwide Permits | Description of Proposed Changes in Relation to the NWP’s of 2017 |
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| 1. Aids to Navigation | The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). (Authority: Section 10 of the Rivers and Harbors Act of 1899 (Section 10)) | Not required | <ul style="list-style-type: none">Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas.In the Jacksonville District placement of aids to navigation cannot cause adverse impacts to coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | |
| 2. Structures in Artificial Canals. | Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)) (Authority: Section 10). | The regional conditions for Puerto Rico establishes that PCN ¹ required for all activities under this NWP. | <ul style="list-style-type: none">All dock or pier construction over submerged aquatic vegetation⁷, marsh, and/or mangroves shall comply with the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - August 2001”.Structures constructed on canals or channels shall not exceed more than 25% of the canal/channel width, excluding dense areas of shoreline vegetation such as mangrove, as measured from the project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use). | |
| 3. Maintenance | (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, or of any currently serviceable structure or fill that did not require a permit at the time it was constructed, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure’s configuration or filled area, including those due to changes in materials, construction techniques, | PCN is required for activities authorized by paragraph (b) of this NWP, the permittee must submit a pre- construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. | <ul style="list-style-type: none">If the previously authorized, serviceable, structure was destroyed by an act of nature or other event, the project will be reviewed pursuant to the setback guidance in effect at the time of the PCN. It is possible that any authorized reconstruction will not be authorized or rebuilt in the same dimensions or design as the original structure. | Authorize maintenance of fills that were constructed prior to establishment of requirement for Clean Water Act section 404 authorization; clarify that NWP authorizes small amounts of riprap to protect the structure or fill. |

¹ PCN: Pre-Construction Notification. In Puerto Rico the Pre-Construction Notification must be submitted trough the Joint Permit Application process.

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| | <p>requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This includes the placement of new or additional riprap to protect the structure or fill, provided the placement of riprap is the minimum necessary to protect the structure or fill or to ensure the safety of the structure or fill. This NWP authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.</p> <p>(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.</p> <p>(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance</p> | <p>According to Regional Conditions for Puerto Rico, the PCN is also required:</p> <ul style="list-style-type: none">- If within coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.- For any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.- Within submerged aquatic vegetation. The term "submerged aquatic vegetation" means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- Within tidal wetlands- For any work located in the Coastal Zone including Culebra Island; the coastal zone of La Parguera from Punta Jorobado for a distance of approximately twenty kilometers west to Cabo Rojo; Cartagena Lagoon; Tortuguero Lagoons; Mona Island; Forest Reserve Area at Piñones and Torrecilla; Las Cabezas; El Yunque; Jobos Bay; Mar Negro; Río Mameyes; Las Cucharillas Marsh; Caño Tiburones; Rio Herrera/Miñi-Miñi/Mediania area; | <ul style="list-style-type: none">• if bottomless culverts or single-span bridges are not feasible, culvert construction must comply with the 'Culvert Design and Construction Guidance at: (https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/2017%20Antilles%20Culvert%20Construction%20Conditions.pdf?ver=2017-01-23-143059-963). If compliance is not practical for a particular location, the PCN must include the reason(s) it was not practicable and describe how the activity will maintain necessary life cycle movements of aquatic life indigenous to the water body.• Projects in the Antilles must meet specific design criteria to address gabions, removal of accumulated sediments around bridges, and use of heavy equipment. Use of gabions for flood control, river channelization or bank stabilization shall not provide a permanent or long term solution (DNER 2009, Guía Para el Manejo de Ríos en Puerto Rico). Gabions are subject to mesh failure, scour or undercutting, collapse and hydraulic impacts of the water itself. The use of gabions or reno mattress should not be used in coastal areas, or large river systems. The removal of accumulated sediments and debris from bridges is limited to 50 feet upstream and downstream of the bridge. Heavy equipment shall work from existing upland areas (ie bridges, upland banks) whenever possible. If heavy equipment must work in channel, the removal of riparian vegetation is limited to the access and egress point. The elimination of riverine features such as point bars and pools is not part of this NWP. Post construction, all temporary fords or crossings shall be removed; banks and channel shall be returned to pre-existing contours and depths. The stream banks shall be fully stabilized using stream bank restoration treatments. | <p>Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |
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| | <p>activity, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> <p>Note: This NWP authorizes the repair, rehabilitation, or replacement of any currently serviceable structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.</p> | <p>entire Municipality of Cabo Rojo; Caño Boquillas west of PR-2; Cayures Marsh in Aguada and its contiguous wetlands; the basin wetlands of Bajuras at Isabela, Camuy, and Carrizales in Arecibo; Prieta wetlands at Vega Alta; San Pedro wetlands in Dorado and Toa Alta; Cienaga Baja in Río Grande; wetlands associated with Herrera and Espiritu Santo Rivers; coastal wetlands of Santa Isabel; and all Commonwealth designated Natural Reserve areas. Also, areas along Martin Pena Channel and associated wetlands; Piñones State Forest wetlands; Torrecilla Alta Pterocarpus Forest - Loiza; El Faro (Cabezas de San Juan) - Fajardo; wetlands in the Guanica State Forest; Humacao Swamp and Pterocarpus Forest; Caja de Muertos - Ponce, Jobos Bay - Salinas, Mar Negro - Salinas, Boqueron State Forest - Cabo Rojo; Dorado Pterocarpus Forest; Vieques Bioluminescent Bay; Laguna Tortuguero; Caño Tiburones; Espinar Swamp (Aguada-Aguadilla); Laguna Joyuda mangroves - Cabo Rojo; Pandura and Guardarraya Special Planning Area; and Ceiba State Forest.</p> | <ul style="list-style-type: none">• Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP.• Reconstruction of structures within La Parguera will not be allowed under this nationwide permit. | |
| <p>4- Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.</p> | <p>Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Authorities: Sections 10 and 404) 5. <i>Scientific Measurement Devices</i>. Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that</p> | <p>According to Regional Conditions, PCN required if within coral assemblages in depths less than 250. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.</p> | <ul style="list-style-type: none">• Placement of materials for Live Rock culture and the harvesting of Live Rock are excluded from this NWP. | |

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| | device (<i>e.g.</i> , foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Authorities: Sections 10 and 404) | | | |
| 5- Scientific Measurement Devices | Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (<i>e.g.</i> , foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Authorities: Sections 10 and 404). | Not Required | | |
| 6- Survey Activities | Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge does not exceed ¹ /10-acre in waters of the U.S. Discharges and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under section 402 of the Clean Water Act. (Authorities: Sections 10 and 404) | According to Regional Conditions the PCN is required if within coral assemblages in depths less than 250. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | <ul style="list-style-type: none">• PCN required if within coral assemblages in depths less than 250. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | |
| 7- Outfall Structures and Associated Intake Structures | Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure. | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)</p> <p>According to Regional Conditions, the PCN is also required:</p> <ul style="list-style-type: none">- if in coral assemblages.- In submerged aquatic vegetation. The term “submerged aquatic vegetation” | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters | |

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| | | <p>means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> <ul style="list-style-type: none">- In salt flats.- In forested wetlands. | <ul style="list-style-type: none">- Activities cannot cause adverse impacts to coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | |
| 8- Oil and Gas Structures on the Outer Continental Shelf | Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(l). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(l) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps-designated dredged material disposal areas. | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.)</p> <p>In Puerto Rico a PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.</p> | | |
| 9- Structures in Fleeting and Anchorage Areas. | Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose. (Authority: Section 10) | According to Regional Conditions a PCN is required if within coral assemblages in depths less than 250. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | | |
| 10- Mooring Buoys | Non-commercial, single-boat, mooring buoys. (Authority: Section 10) | According to Regional Conditions, a PCN is required for all activities to be authorized under this NWP in Puerto Rico. | <ul style="list-style-type: none">• Activities cannot cause adverse impacts to coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | |

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| 11- Temporary Recreational Structures. | Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually. (Authority: Section 10) | According to Regional Conditions, a PCN is required for any structure proposed in or over SAV ² and/or mangroves. | <ul style="list-style-type: none"> Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas. Activities cannot cause adverse impacts to coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | |
| 12- Oil or Natural Gas Pipeline Activities | <p>Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.</p> <p><i>Oil or natural gas pipelines:</i> This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. An “oil or natural gas pipeline” is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including petrochemical products, for any purpose. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (<i>e.g.</i>, backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.</p> <p><i>Oil or natural gas pipeline substations:</i> This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than</p> | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) A section 10 permit is required; (2) the discharge will result in the loss of greater than 1/10- acre of waters of the United States; or (3) the proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-construction notification must include the locations and proposed impacts for all crossings of waters of the United States that require DA authorization, including those crossings authorized by NWP would not otherwise require pre-construction notification. (See general condition 32.) (Authorities: Sections 10 and 404)</p> <p>According to Regional Conditions, a PCN is also required:</p> <ul style="list-style-type: none"> Within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia</i> | <ul style="list-style-type: none"> Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries, marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. Activities cannot cause adverse impacts to coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. | <p>Issue separate NWPs for oil or natural gas pipeline activities, electric utility line and telecommunications activities, and utility lines for water and other substances; reduce number of PCN thresholds.</p> <p>Anticipated impact: No change in number of NWP authorizations.</p> <p>Anticipated Impact: No change in number of NWP authorizations.</p> |

² SAV: Submerged Aquatic Vegetation

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| | <p>1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.</p> <p><i>Foundations for above-ground oil or natural gas pipelines:</i> This NWP authorizes the construction or maintenance of foundations for above-ground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.</p> <p><i>Access roads:</i> This NWP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (<i>e.g.</i>, at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. This NWP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines.</p> <p>This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and</p> | <p><i>testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> <ul style="list-style-type: none">- Within tidal wetlands.- In forested wetlands.- Where the proposed subaqueous utility or transmission line is to be installed in, under, or over, navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the National Oceanic Atmospheric Administration (NOAA) and the Corps’ office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, at Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This notification shall include “as-built plans,” signed and sealed by a registered surveyor/engineer licensed in the State of Florida, Commonwealth of Puerto Rico, or Territory of U.S. Virgin Islands, as appropriate, that certify the project is constructed as authorized, and must include an accurate (within plus or minus 1 foot) depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water. | | |
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| | <p>the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> <p>Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) A section 10 permit is required; (2) the discharge will result in the loss of greater than 1/10- acre of waters of the United States; or (3) the proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-construction notification must include the locations and proposed impacts for all crossings of waters of the United States that require DA authorization, including those crossings authorized by NWP would not otherwise require pre- construction notification. (See general condition 32.) (Authorities: Sections 10 and 404)</p> <p>Note 1: Where the oil or natural gas pipeline is constructed, installed, or maintained in navigable waters of the United States (<i>i.e.</i>, section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the oil or natural gas pipeline to protect navigation.</p> <p>Note 2: For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Oil or natural gas pipeline activities must comply with 33 CFR 330.6(d).</p> <p>Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.</p> <p>Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see NWP 15).</p> <p>Note 5: This NWP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.</p> <p>Note 6: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of</p> | | | |
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| | the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre- construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23). | | | |
| 13- Bank Stabilization | <p>Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:</p> <p>(a) No material is placed in excess of the minimum needed for erosion protection;</p> <p>(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (an exception is for bulkheads—the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);</p> <p>(c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;</p> <p>(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;</p> <p>(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;</p> <p>(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);</p> <p>(g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;</p> <p>(h) The activity is not a stream channelization activity; and</p> <p>(i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent</p> | According to Regional Conditions, a PCN is required for all activities under this NWP. | Projects in the Antilles must meet specific design criteria to address gabions, removal of accumulated sediments around bridges, and use of heavy equipment. Use of gabions for flood control, river channelization or bank stabilization shall not provide a permanent or long term solution (DNER 2009, Guía Para el Manejo de Ríos en Puerto Rico). Gabions are subject to mesh failure, scour or undercutting, collapse and hydraulic impacts of the water itself. The use of gabions or reno mattress should not be used in coastal areas, or large river systems. The removal of accumulated sediments and debris from bridges is limited to 50 feet upstream and downstream of the bridge. Heavy equipment shall work from existing upland areas (ie bridges, upland banks) whenever possible. If heavy equipment must work in channel, the removal of riparian vegetation is limited to the access and egress point. The elimination of riverine features such as point bars and pools is not part of this NWP. Post construction, all temporary fords or crossings shall be removed; banks and channel shall be returned to pre-existing contours and depths. The stream banks shall be fully stabilized using stream bank restoration treatments. | |

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| | <p>practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> <p>Note: In coastal waters and the Great Lakes, living shorelines may be an appropriate option for bank stabilization, and may be authorized by NWP 54.</p> | | | |
| 14- Linear Transportation Projects | <p>Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (<i>e.g.</i>, roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.</p> <p>This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> <p>This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.</p> <p>Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).</p> <p>Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).</p> | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32)</p> <p>According to Regional Conditions, a PCN is also required:</p> <ul style="list-style-type: none">- If in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.- In submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- If in salt flats- If In forested wetlands | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.• If bottomless culverts or single-span bridges are not feasible, culvert construction must comply with the ‘Culvert Design and Construction Guidance at: (https://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/other_permitting_factors/2017%20Antilles%20Culvert%20Construction%20Conditions.pdf?ver=2017-01-23-143059-963). If compliance is not practical for a particular location, the PCN must include the reason(s) it was not practicable and describe how the activity will maintain necessary life cycle movements of aquatic life indigenous to the water body. | <p>Add “driveways” to examples of activities authorized by this NWP.</p> <p>Anticipated impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre- construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).</p> | | | |
| <p>15- U.S. Coast Guard Approved Bridges</p> | <p>Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate section 404 permit. (Authority: Section 404 of the Clean Water Act (Section 404))</p> | <p>According to Regional Conditions, a PCN is required:</p> <ul style="list-style-type: none">- if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.- For any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.- If in submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- If in salt flats. | | |

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| | | <ul style="list-style-type: none">- If in forested wetlands. | | |
| 16- Return Water From Upland Contained Disposal Areas | Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the Clean Water Act section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a section 10 permit if located in navigable waters of the United States. (Authority: Section 404) | According to Regional Conditions, a PCN is required: <ul style="list-style-type: none">- If in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.- If in submerged aquatic vegetation. The term "submerged aquatic vegetation" means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- If in salt flats.- If in forested wetlands. | Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. | |
| 17- Hydropower Projects | Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 10,000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC). under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and section 30 of the Federal Power Act, as amended. | The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. | |
| 18- Minor Discharges | Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria: | The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: | <ul style="list-style-type: none">• PCN required if in coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and | |

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| | <p>(a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;</p> <p>(b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and</p> <p>(c) The discharge is not placed for the purpose of a stream diversion.</p> | <ul style="list-style-type: none">- The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or- the discharge is in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404) | <p>hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.</p> <ul style="list-style-type: none">• PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.• PCN required in submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required in salt flats.• PCN required in forested wetlands.• Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP.• PCN required for all activities proposed in the following areas of Puerto Rico: Culebra Island; the coastal zone of La Parguera from Punta Jorobado for a distance of approximately twenty kilometers west to Cabo Rojo; Cartagena Lagoon; Tortuguero Lagoons; Mona Island; Forest Reserve Area at Piñones and Torrecilla; Las Cabezas; El Yunque; Jobos Bay; Mar Negro; Río Mameyes; Las Cucharillas Marsh; Caño Tiburones; Río Herrera/Miñi-Miñi/Mediania area; entire Municipality of Cabo Rojo; Caño Boquillas west of PR-2; Cayures Marsh in Aguada and its contiguous wetlands; the basin wetlands of Bajuras at Isabela, Camuy, and Carrizales in Arecibo; Prieta wetlands at Vega | |
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| | | | Alta; San Pedro wetlands in Dorado and Toa Alta; Cienaga Baja in Río Grande; wetlands associated with Herrera and Espiritu Santo Rivers; coastal wetlands of Santa Isabel; and all Commonwealth designated Natural Reserve areas. Also, areas along Martin Pena Channel and associated wetlands; Piñones State Forest wetlands; Torrecilla Alta Pterocarpus Forest - Loiza; El Faro (Cabezas de San Juan) - Fajardo; wetlands in the Guanica State Forest; Humacao Swamp and Pterocarpus Forest; Caja de Muertos - Ponce, Jobos Bay - Salinas, Mar Negro - Salinas, Boqueron State Forest - Cabo Rojo; Dorado Pterocarpus Forest; Vieques Bioluminescent Bay; Laguna Tortuguero; Caño Tiburones; Espinar Swamp (Aguada-Aguadilla); Laguna Joyuda mangroves - Cabo Rojo; Pandura and Guardarraya Special Planning Area; and Ceiba State Forest. | |
| 19- Minor Dredging | Dredging of no more than 50 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (<i>i.e.</i> , section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. (Authorities: Sections 10 and 404) | According to regional conditions, a PCN is required for all activities under this NWP. | <ul style="list-style-type: none">Activities cannot cause adverse impacts to coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.PCN³ required for all activities under this NWP.Hopper dredging is not allowed under this NWP. | Increase limit to 50 cubic yards. <i>Anticipated Impacts:</i> - Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 20- Response Operations for Oil or Hazardous Substances | Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) The Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical | Not required | | |

³ PCN: Pre-Construction Notification

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| | equipment that are governed by EPA’s polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Authorities: Sections 10 and 404) | | | |
| 21- Surface Coal Mining Activities | This activity do not occur in Puerto Rico | | | |
| 22- Removal of Vessels | <p>Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man- made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.</p> <p>Note 1: If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.</p> <p>Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the possibility that shipwrecks may be historic properties.</p> | <ul style="list-style-type: none">- PCN is required if vessel listed or eligible for National Register of Historic Places.- PCN is Required for activities in special aquatic sites.- According to regional Conditions:<ol style="list-style-type: none">1) PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.2) PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.3) PCN required within tidal wetlands.4) PCN required in forested wetlands. | <ul style="list-style-type: none">• Activities cannot cause adverse impacts to coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.• PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required within tidal wetlands.• PCN required in forested wetlands. | |

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| <p>23- Approved Categorical Exclusions</p> | <p>Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:</p> <p>(a) That agency or department has determined, pursuant to the Council on Environmental Quality’s implementing regulations for the National Environmental Policy Act (40 CFR part 1500), that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and</p> <p>(b) The Office of the Chief of Engineers (Attn: CECW–CO) has concurred with that agency’s or department’s determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.</p> <p>The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency’s categorical exclusions under this NWP.</p> <p>Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW–CO). Prior to approval for authorization under this NWP of any agency’s activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: The Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05–07. Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same website.</p> | <p>Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letter(s). (Authorities: Sections 10 and 404)</p> <p>According to Regional Conditions:</p> <ul style="list-style-type: none"> - PCN required if within coral assemblages in depths less than 250. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. - PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | <ul style="list-style-type: none"> • PCN required if within coral assemblages in depths less than 250. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities. • PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |
| <p>24- Indian Tribe or State Administered Section 404 Programs</p> | <p>Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)–(l) is permitted pursuant to section 10 of the Rivers and Harbors Act of 1899. (Authority: Section 10)</p> <p>Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.</p> <p>Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Public Law 94–587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).</p> | <ul style="list-style-type: none"> - PCN is required if more than 10 cubic yards are discharged below plane of OHWM/HTL. - If discharges into special aquatic sites. | | |
| <p>25- Structural Discharges</p> | <p>Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation,</p> | <p>According to Regional Conditions PCN is required for all activities under this NWP.</p> | <ul style="list-style-type: none"> • PCN⁴ required for all activities under this NWP. | |

⁴ PCN: Pre-Construction Notification

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| | such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate section 10 permit if located in navigable waters of the United States. (Authority: Section 404). | | | |
| 26- Reserved | Reserved | | | |
| 27- Aquatic Habitat Restoration, Enhancement, and Establishment Activities | <p>Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non- tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.</p> <p>To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of one or more intact aquatic habitats or riparian areas of the same type that exist in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.</p> <p>To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: The removal of accumulated sediments; releasing sediment from reservoirs to restore downstream habitat, the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; coral restoration or relocation; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-</p> | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 32), except for the following activities:</p> <ul style="list-style-type: none">- Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;- Activities conducted in accordance with the terms and conditions of a binding coral restoration or relocation agreement between the project proponent and the NMFS or any of its designated state cooperating agencies;- Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or- The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency. However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting | <ul style="list-style-type: none">• PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.• PCN required for Lake restoration projects proposing any type of in-lake disposal of dredged or fill material.• Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP. | <p>Add coral restoration and relocation. Add reservoirsediment management to provide continuity in sediment transport through reservoirs.</p> <p>Anticipated Impacts: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re- establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.</p> <p>This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services. Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (<i>e.g.</i>, the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.</p> <p>Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.</p> <p><i>Reversion.</i> For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (<i>i.e.</i>, prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit</p> | <p>requirement. (Authorities: Sections 10 and 404)</p> <p>According to Regional Conditions a PCN is also required:</p> <ol style="list-style-type: none">1) For any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.2) For Lake restoration projects proposing any type of in-lake disposal of dredged or fill material.3) For Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP. | | |
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| | <p>does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.</p> <p><i>Reporting.</i> For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.</p> <p>Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.</p> | | | |
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| 28- Modifications of Existing Marinas | Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Authority: Section 10) | According to regional conditions a PCN is required: <ul style="list-style-type: none">- Within coral assemblages.- For any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.- Within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- Within tidal wetlands. | <ul style="list-style-type: none">• Activities cannot cause adverse impacts to coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required if within coral assemblages.• PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters.• PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required within tidal wetlands. | |
| 29- Residential Developments | Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development). The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters. <i>Subdivisions:</i> For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes | <ul style="list-style-type: none">- The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)- According to regional conditions a PCN is also required in forested wetlands. | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.- PCN required in forested wetlands. | Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e). Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |

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| | any loss of waters of the United States associated with development of individual subdivision lots. | | | |
| 30- Moist Soil Management for Wildlife | <p>Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site- specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Authority: Section 404)</p> <p>Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).</p> | According to regional conditions PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |
| 31- Maintenance of Existing Flood Control Facilities | <p>Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/ detention basins, levees, and channels that: (i) Were previously authorized by the Corps by individual permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non- Federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the “maintenance baseline,” as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged and excavated material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used.</p> | <p>The permittee must submit a pre- construction notification to the district engineer before any maintenance work is conducted (see general condition 32). The pre- construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The pre- construction notification must include a description of the maintenance baseline and the disposal site for dredged or excavated material. (Authorities: Sections 10 and 404)</p> | <p>Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.</p> | |

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| | <p><i>Maintenance Baseline:</i> The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the adverse environmental impacts caused by the maintenance activities are no more than minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner. A flood control facility will not be considered abandoned if the prospective permittee is in the process of obtaining other authorizations or approvals required for maintenance activities and is experiencing delays in obtaining those authorizations or approvals.</p> <p><i>Mitigation:</i> The district engineer will determine any required mitigation one- time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental effects are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required</p> | | | |
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| | <p>mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline (see Note, below). In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require mitigation and/or best management practices as appropriate.</p> <p><i>Emergency Situations:</i> In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.</p> <p>Note: If the maintenance baseline was approved by the district engineer under a prior version of NWP 31, and the district engineer imposed the one-time compensatory mitigation requirement on maintenance for a specific reach of a flood control project authorized by that prior version of NWP 31, during the period this version of NWP 31 is in effect (<i>insert applicable dates based on final NWPs</i>) the district engineer will not require additional compensatory mitigation for maintenance activities authorized by this NWP in that specific reach of the flood control project.</p> | | | |
| 32- Completed Enforcement Actions | <p>1. Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:</p> <p>(i) The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of section 404 of the Clean Water Act, provided that:</p> <p>(a) The activities authorized by this NWP cannot adversely affect more than 5 acres of non-tidal waters or 1 acre of tidal waters;</p> <p>(b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and</p> <p>The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the</p> | Not required. | | |

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| | <p>settlement agreement, including a specified completion date; or</p> <p>(i) The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or</p> <p>(ii) The terms of a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, Section 312 of the National Marine Sanctuaries Act, section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required. Compliance is a condition of the NWP itself; non-compliance of the terms and conditions of an NWP 32 authorization may result in an additional enforcement action (e.g., a Class I civil administrative penalty). Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit.</p> <p>Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6(d)(2) and (e). (Authorities: Sections 10 and 404)</p> | | | |
| 33- Temporary Construction, Access, and Dewatering | <p>Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be</p> | <ul style="list-style-type: none">- The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Authorities: Sections 10 and 404)- According to regional conditions, PCN is required for any activity proposed by permittees in the designated critical | <ul style="list-style-type: none">- PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |

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| | restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.) | resource waters including wetlands adjacent to those waters. | | |
| 34- Cranberry Production Activities | This activity do not occur Puerto Rico. | | | |
| 35- Maintenance Dredging of Existing Basins | The removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used for the disposal site. (Authority: Section 10). | <p>According to regional conditions PCN is required if:</p> <ul style="list-style-type: none">- Within or in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.- PCN required within submerged aquatic vegetation. The term "submerged aquatic vegetation" means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.- PCN required within tidal wetlands. | <ul style="list-style-type: none">• Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.• PCN required if within coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required within submerged aquatic vegetation. The term "submerged aquatic vegetation" means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required within tidal wetlands. | |

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| 36- Boat Ramps | <p>Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:</p> <p>(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre- cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;</p> <p>(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;</p> <p>(c) The base material is crushed stone, gravel or other suitable material;</p> <p>(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,</p> <p>(e) No material is placed in special aquatic sites, including wetlands.</p> <p>The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.</p> | According to regional conditions PCN is required for all activities under this NWP | <ul style="list-style-type: none">• PCN⁵ required for all activities under this NWP. | |
| 37- Emergency Watershed Protection and Rehabilitation | <p>(a) The Natural Resources Conservation Service for a situation requiring immediate action under its emergency Watershed Protection Program (7 CFR part 624);</p> <p>(b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);</p> <p>(c) The Department of the Interior for wildland fire management burned area emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);</p> <p>(d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR subchapter R), where the activity does not involve coal extraction; or</p> <p>(e) The Farm Service Agency under its Emergency Conservation Program (7 CFR part 701).</p> <p>In general, the permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the</p> | Required for all activities. Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a preconstruction notification to the district engineer prior to commencing the activity (see general condition 32). (Authorities: Sections 10 and 404) | <ul style="list-style-type: none">• PCN is required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |

⁵ PCN: Pre-Construction Notification

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| | emergency watershed protection and rehabilitation activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. | | | |
| 38- Cleanup of Hazardous and Toxic Waste | <p>Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.</p> <p>Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.</p> | PCN is required for all activities | PCN is also required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |
| 39- Commercial and Institutional Developments | <p>Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters.</p> <p>Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.</p> | PCN is required for all activities | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.- PCN required in forested wetlands. | <p>Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e).</p> <p>Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| 40- Agricultural Activities | Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities. This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds. | PCN is required for all activities | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.- Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP.- PCN required in forested wetlands.- Coordination with USFWS is required for projects that impact more than 0.25 acre of WOTUS⁶. | Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e). Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 41- Reshaping Existing Drainage and Irrigation Ditches | Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage and irrigation ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage or irrigation ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the drainage ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the drainage ditch as originally constructed (<i>i.e.</i> , the capacity of the drainage ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality. This NWP does not authorize the relocation of drainage or irrigation ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage or irrigation ditch must be approximately the same as the location of the centerline of the original drainage or irrigation ditch. This NWP does not authorize stream channelization or stream relocation projects. (Authority: Section 404) | According to regional conditions, PCN is required for projects adjacent to tribal lands, which will require review for impacts to Tribal trust resources prior to use of this NWP when the property on which the project is occurring is adjacent to Tribal lands. | <ul style="list-style-type: none">• Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP.• The PCN shall include a sediment and erosion control plan. | Add irrigation ditches. Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 42- Recreational Facilities | Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized | <ul style="list-style-type: none">- Required for all activities | <ul style="list-style-type: none">- Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, | Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification |

⁶ WOTUS: Waters of the United States

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| | by this NWP include playing fields (<i>e.g.</i> , football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters. | | critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. - PCN required in forested wetlands. | (PCN) review process, and other tools to comply with Clean Water Act Section 404(e). Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 43- Stormwater Management Facilities | Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of low impact development integrated management features such as bioretention facilities (<i>e.g.</i> , rain gardens), vegetated filter strips, grassed swales, and infiltration trenches; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters, such as features needed to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act. This NWP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features. The maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features that are not waters of the United States does not require a section 404 permit. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams. | Required for all activities involving expansion or construction of Storm Water Management facilities or pollutant reduction green infrastructure features. | - Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. | Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e). Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 44- Mining Activities | Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria: (a) For mining activities involving discharges of dredged or fill material into non-tidal wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal wetlands; | Required for all activities. If reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification. | - Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine | Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e). |

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| | <p>(b) For mining activities involving discharges of dredged or fill material in non-tidal open waters (<i>e.g.</i>, rivers, streams, lakes, and ponds) or work in non-tidal navigable waters of the United States (<i>i.e.</i>, section 10 waters), the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and</p> <p>(c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre.</p> <p>This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.</p> | According to regional conditions, the PCN shall include a sediment and erosion control plan. | <p>sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters.</p> <ul style="list-style-type: none"> - The PCN shall include a sediment and erosion control plan. | Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits. |
| 45- Repair of Uplands Damaged by Discrete Events | <p>This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.</p> <p>This NWP does not authorize beach restoration or nourishment. Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.</p> <p>Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.</p> | <p>Required for all the activities. The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12- month limit for submitting a pre- construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Authorities: Sections 10 and 404)</p> <p>According to regional conditions, the PCN shall include a sediment and erosion control plan.</p> | <ul style="list-style-type: none"> - The PCN shall include a sediment and erosion control plan. | |
| 46- Discharges in Ditches | Discharges of dredged or fill material into non-tidal ditches that are: (1) Constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge must not cause the loss of | <p>Required for all the activities.</p> <p>According to regional conditions the PCN shall include a sediment and erosion control plan.</p> | <ul style="list-style-type: none"> - Projects that capture and store water, such as Dispersed Water Management Projects (DWMP), are excluded from this NWP. - The PCN shall include a sediment and erosion control plan. | |

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| | <p>greater than one acre of waters of the United States.</p> <p>This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.</p> | | | |
| 47- Reserved | | | | |
| 48- Commercial Shellfish Mariculture Activities | <p>Discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States necessary for new and continuing commercial shellfish mariculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is authorized to conduct commercial shellfish mariculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator.</p> <p>This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.</p> <p>This NWP does not authorize:</p> <p class="list-item-l1">(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;</p> <p class="list-item-l1">(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or</p> <p class="list-item-l1">(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste. (Authorities: Sections 10 and 404)</p> <p>Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.</p> <p>Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.</p> | Not required. | <ul style="list-style-type: none">• PCN required if within coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• Placement of materials for Live Rock culture and the harvesting of Live Rock are excluded from this NWP.• PCN required within tidal wetlands. | <p>Remove 1/2-acre limit for impacts to submerged aquatic vegetation and pre-construction notification thresholds.</p> <p>Anticipated impacts: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines “aquatic nuisance species” as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.”</p> | | | |
| 49- Coal Remining Activities. | This activity do not occur in Puerto Rico. | | | |
| 50- Underground Coal Mining | This activity do not occur in Puerto Rico. | | | |
| 51- Land-Based Renewable Energy Generation Facilities | <p>Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land- based renewable energy generation facility.</p> <p>The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non- tidal wetlands adjacent to tidal waters.</p> <p>Note 1: Utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP C or another Department of the Army authorization.</p> <p>Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines and/or road crossings, then NWP C and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs C and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.</p> <p>Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead</p> | <p>PCN is required if the discharge results in the loss of greater than 1/10- acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)</p> <p>According to regional conditions a PCN is also required in forested wetlands</p> | <ul style="list-style-type: none"> - Discharges of dredged or fill material into waters of the United States are not authorized for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate additional waters. - PCN required in forested wetlands. - Coordination with USFWS is required for projects that impact more than 0.25 acre of WOTUS⁷. - Projects must comply with the USFWS Land-Based Wind Energy Guidelines (https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf). - In Puerto Rico, to further protect resources, siting shall comply with the USFWS Caribbean Field Office Wildlife and Habitat Risk Map for Utility-Scale Land-Based Wind Energy Projects. https://www.fws.gov/caribbean/es/documents/PR_Habitat_Risk_for_Wind_Energy_Version_4_22_15.pdf. - | |

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| | transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities. | | | |
| 52- Water-Based Renewable Energy Generation Pilot Projects | <p>Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.</p> <p>For the purposes of this NWP, the term “pilot project” means an experimental project where the water-based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.</p> <p>The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2-acre limit.</p> <p>For each single and complete project, no more than 10 generation units (<i>e.g.</i>, wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2-acre in water surface area covered by the floating solar panels.</p> <p>This NWP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.</p> <p>Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army</p> | <p>PCN is required for all activities.</p> <p>According to regional conditions, the PCN must include a benthic survey, which includes documentation on observed habitat types. Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> | <ul style="list-style-type: none">Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas.PCN required in submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.PCN required in hard-bottom benthic habitat.In the Antilles⁴, PCN must include a benthic survey, which includes documentation on observed habitat types. Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.Projects must comply with the USFWS Land-Based Wind Energy Guidelines (https://www.fws.gov/ecological-services/es-library/pdfs/WEG_final.pdf). | <p>Remove 300 linear foot limit for losses of stream bed and rely on 1/2-acre limit, preconstruction notification (PCN) review process, and other tools to comply with Clean Water Act Section 404(e).</p> <p>Anticipated Impact: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>authorization, such as another NWP, an individual permit, or a regional general permit.</p> <p>Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is required.</p> <p>Note 1: Utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.</p> <p>Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate review and/or approval from the Corps under 33 U.S.C. 408.</p> <p>Note 3: If the pilot project generation units, including any transmission lines, are placed in navigable waters of the United States (<i>i.e.</i>, section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation.</p> <p>Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under section 10 of the Rivers and Harbors Act of 1899.</p> <p>Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.</p> | | | |
| 53- Removal of Low-Head Dams | <p>Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.</p> <p>For the purposes of this NWP, the term “low-head dam” is defined as a dam built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest on a continual and uncontrolled basis. (During a drought, there might not be water flowing</p> | <p>Required for all the activities.</p> <p>According to regional conditions, the PCN shall include a sediment and erosion control plan.</p> | <ul style="list-style-type: none">• The PCN shall include a sediment and erosion control plan. | |

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| | <p>over the dam crest.) In general, a low-head dam does not have a separate spillway or spillway gates but it may have an uncontrolled spillway.</p> <p>The dam crest is the top of the dam from left abutment to right abutment, and if present, an uncontrolled spillway. A low-head dam provides little storage function. The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.</p> <p>Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this NWP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure that the authorized activity results in no more than minimal adverse environmental effects.</p> <p>Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)</p> <p>Note: This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. Nationwide permit 27 or other Department of the Army permits may authorize such activities. This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by NWP 13 or other Department of the Army permits.</p> | | | |
| 54- Living Shorelines | <p>structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low-to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (<i>e.g.</i>, oyster or mussel reefs or rock sills) for added protection and stability.</p> <p>Living shorelines should maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes.</p> | <p>PCN is required for all new activities. It is not required for repair and maintenance of existing living shorelines.</p> <p>According to regional conditions PCN must include a benthic survey. Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> | <ul style="list-style-type: none">• PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. | |

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| | <p>Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. The following conditions must be met:</p> <ul style="list-style-type: none">(a) The structures and fill area, including sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;(c) Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;(d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity, must be used if the site is planted by the permittee;(e) Discharges of dredged or fill material into waters of the United States, and oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;(f) If sills, breakwaters, or other structures must be constructed to protect fringe wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;(g) The activity must be designed, constructed, and maintained so that it has no more than minimal adverse effects on water movement between the waterbody and the shore and the movement of aquatic organisms between the waterbody and the shore; and <p>The living shoreline must be properly maintained, which may require periodic repair of sills, breakwaters, or reefs, or replacing sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This NWP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions.</p> <p>This NWP does not authorize beach nourishment or land reclamation activities.</p> | | <ul style="list-style-type: none">• PCN required in submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required in hard-bottom benthic habitat.• The PCN must include a benthic survey. Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol• For projects that affect aquatic resources:<ul style="list-style-type: none">a. The completed project should result in a net gain in aquatic resource function; and,b. The structure(s) shall be maintained as necessary in perpetuity in order to maintain the lift in function and value.• Materials authorized for use under this NWP must consist mostly of natural material. Biodegradable breakwater stabilization materials, such as coir, may be used in place of plastic materials. However, in certain cases, plastic bags (Naltex) and plastic mats (UV stabilized) may be used. Concrete products (e.g., sprinkler weights) to add to the "sufficient weight." Large scale use of concrete as breakwater or substrate for oyster recruitment is prohibited. Certain metals (e.g., wire mesh) may be used for enclosing stone in gabions for breakwaters. Oyster mats should only be used | |
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| | <p>Note: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by NWP 13.</p> | | <p>in special cases (e.g., restoring dead margins of reefs, shoreward of and in association with bags in some cases, and held with cable ties and weights at all mat comers).</p> <ul style="list-style-type: none">• Sills may be constructed in a non-linear manner so as to mimic natural reefs.• Spacing or gaps between sill material shall be no greater than 8” so as to prevent entrapment of marine mammals or marine turtles.• Breaks in structures shall be placed at least every 75 feet and shall be five feet in width. | |
| <p>A. Seaweed Mariculture Activities</p> | <p>Structures or work in marine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities. This NWP also authorizes shellfish mariculture if shellfish production is a component of an integrated multi-trophic mariculture system (e.g., the production of seaweed and shellfish on the same structure or a nearby mariculture structure that is part of the single and complete project).</p> <p>This NWP authorizes the installation of buoys, long-lines, floats, anchors, rafts, racks, and other similar structures into navigable waters of the United States. Rafts, racks and other floating structures must be securely anchored and clearly marked.</p> <p>Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.</p> <p>This NWP does not authorize:</p> <p class="list-item-l1">(a) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or</p> <p class="list-item-l1">(b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.</p> <p>In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information: (1) A map showing the locations and dimensions of the structure(s); (2) the name(s) of the species that will</p> | <p>PCN required for all the activities. In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information: (1) A map showing the locations and dimensions of the structure(s); (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; and (3) general water depths in the project area(s) (a detailed survey is not required). No more than one pre-construction notification per structure or group of structures should be submitted for the seaweed mariculture operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP. (Authority: Section 10)</p> | <ul style="list-style-type: none">• PCN required if within coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required within tidal wetlands. | <p>Issue new NWP to authorize seaweed mariculture activities.</p> <p>Anticipated Impacts: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>be cultivated during the period this NWP is in effect; and (3) general water depths in the project area(s) (a detailed survey is not required). No more than one pre- construction notification per structure or group of structures should be submitted for the seaweed mariculture operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP. (Authority: Section 10)</p> <p>Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.</p> <p>Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.</p> <p>Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines “aquatic nuisance species” as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.”</p> | | | |
| <p>B. Finfish Mariculture Activities</p> | <p>Structures or work in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for finfish mariculture activities. This NWP also authorizes shellfish mariculture and/or seaweed mariculture if the shellfish and/or seaweed production are a component of an integrated multi- trophic mariculture system (<i>e.g.</i>, the production of seaweed or shellfish on the structure used for finfish mariculture, or a nearby mariculture structure that is part of the single and complete project).</p> <p>This NWP authorizes the installation of cages, net pens, anchors, floats, buoys, and other similar structures into navigable waters of the United States.</p> <p>Net pens, cages, and other floating structures must be securely anchored and clearly marked. This NWP does not authorize the construction of land-based fish hatcheries or other attendant features. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas. This NWP does not authorize:</p> <p>(a) The cultivation of an aquatic nuisance species as defined in</p> | <p>PCN is required for all the activities. In addition to the information required by paragraph (b) of general condition 32, the pre-construction notification must also include the following information: (1) A map showing the locations and dimensions of the structure(s); (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; and (3) general water depths in the project area(s) (a detailed survey is not required). No more than one pre- construction notification per structure or group of structures should be submitted for the finfish mariculture operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP. (Authority: Section 10)</p> | <ul style="list-style-type: none">• PCN required if within coral assemblages. PCN required if in coral assemblages. The term "coral assemblage" includes coral reefs and hard bottom communities, which host species of the genus <i>Acropora</i> as well as other hard and soft coral communities.• PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.• PCN required within tidal wetlands. | <p>Issue new NWP to authorize finfish mariculture activities.</p> <p>Anticipated Impacts: Increase number of activities authorized by NWP; decrease number of activities requiring individual permits.</p> |

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| | <p>the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or</p> <p>(b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.</p> <p>Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the finfish mariculture activity.</p> <p>Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.</p> <p>Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines “aquatic nuisance species” as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.”</p> | | | |
| <p>C. Electric Utility Line and Telecommunications Activities</p> | <p>Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.</p> <p><i>Electric utility lines and telecommunication lines:</i> This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and telecommunication lines. There must be no change in pre-construction contours of waters of the United States. An “electric utility line and telecommunication line” is defined as any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (<i>e.g.</i>, backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line</p> | <p>The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) A section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)</p> <p>According to regional conditions the PCN is required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> | <ul style="list-style-type: none">Activities cannot cause adverse impacts to coral assemblages.PCN required within submerged aquatic vegetation. The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol. | |

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| | <p>crossing of each waterbody.</p> <p><i>Electric utility line and telecommunications substations:</i> This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.</p> <p><i>Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors:</i> This NWP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.</p> <p><i>Access roads:</i> This NWP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in non- tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (<i>e.g.</i>, at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.</p> <p>This NWP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the</p> | | | |
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| | <p>remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (<i>e.g.</i>, at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.</p> <p>This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.</p> <p>This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.</p> <p>This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.</p> <p>Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> | | | |
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| | <p>Note 1: Where the utility line is constructed, installed, or maintained in navigable waters of the United States (<i>i.e.</i>, section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.</p> <p>Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).</p> <p>Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.</p> <p>Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).</p> <p>Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.</p> <p>Note 6: For activities that require pre- construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre- construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).</p> | | | |
| D. Utility Line Activities for Water or other substances | Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by NWPs 12 or C, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, | The permittee must submit a PCN if: (1) A section 10 permit is required; or (2) The discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general | <ul style="list-style-type: none">• Activities cannot cause adverse impacts to coral assemblages.• PCN required within submerged aquatic vegetation (SAV). The term “submerged aquatic | Issue separate NWPs for oil or natural gas pipeline activities, electric utility line and telecommunications activities, and utility lines for water and other |

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| | <p>provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.</p> <p><i>Utility lines:</i> This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.</p> <p>Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (<i>e.g.</i>, backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.</p> <p><i>Utility line substations:</i> This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.</p> <p><i>Foundations for above-ground utility lines:</i> This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.</p> | <p>condition 32.) (Authorities: Sections 10 and 404)</p> <p>According to regional conditions a PCN required within submerged aquatic vegetation (SAV). The term “submerged aquatic vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> | <p>vegetation” means the occurrence of one or more species of seagrass, including, but not limited to the following: turtle grass (<i>Thalassia testudinum</i>), manatee grass (<i>Syringodium filiforme</i>), shoal grass (<i>Halodule wrightii</i>), and dwarf seagrass (<i>Halophila spp</i>). Optimal window for benthic survey of submerged aquatic vegetation is during the period June 1 through September 30. Please access the USACE Source Book for additional guidance and information on benthic survey protocol.</p> <ul style="list-style-type: none">For water intake projects in Puerto Rico, the permittee must submit a PCN to the District Engineer prior to commencing the activity, in accordance with General Condition 32. The PCN must contain plans and drawings, a description of all WOTUS impacted by the project, amount of water to be withdrawn in MGDs, and minimum in-stream flows in MGDs after water extraction. | <p>substances; reduce number of PCN thresholds.</p> <p>Anticipated Impacts: No change in number of NWP authorizations.</p> |
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| | <p><i>Access roads:</i> This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.</p> <p>This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (<i>e.g.</i>, at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.</p> <p>This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.</p> <p>This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.</p> <p>This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity.</p> <p>Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.</p> <p>Temporary fills must consist of materials, and be placed in a manner,</p> | | | |
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| | <p>that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> <p>Note 1: Where the utility line is constructed, installed, or maintained in navigable waters of the United States (<i>i.e.</i>, section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.</p> <p>Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).</p> <p>Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.</p> <p>Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).</p> <p>Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.</p> <p>Note 6: For activities that require pre- construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre- construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).</p> | | | |
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| E. Water reclamation and reuse facilities | <p>Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, and maintenance of water reclamation and reuse facilities, including vegetated areas enhanced to improve water infiltration and constructed wetlands to improve water quality.</p> <p>The discharge must not cause the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.</p> <p>This NWP also authorizes temporary fills, including the use of temporary mats, necessary to construct the water reuse project and attendant features. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites.</p> <p>Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.</p> | <p>PCN is required for all the activities (See general condition 31.) (Authority: Sections 10 and 404) the district engineer prior to commencing the activity. (See general condition 31.) (Authority: Sections 10 and 404)</p> | <ul style="list-style-type: none">• PCN required in forested wetlands.• Coordination with USFWS is required for projects that impact more than 0.25 acre of WOTUS⁸. | <p>Issue new NWP to authorize discharges of dredged or fill material for water reclamation and reuse facilities.</p> <p>Anticipated Impacts: <i>These activities may be authorized by existing NWPs, but additional clarification may be appropriate.</i></p> |
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⁸ WOTUS: Waters of the United States