

## Summary of Proposed 2007 Nationwide Permits

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	Applicable Waters	Proposed Changes in 2007	Other Information
<b>NWP 1</b> – Aids to Navigation	10	none	PCN not required	no	navigable waters of the U.S.	none	
<b>NWP 2</b> – Structures in Artificial Canals	10	none	PCN not required	no	navigable waters of the U.S.	none	
<b>NWP 3</b> – Maintenance	10/404					move provision for the restoration of uplands to create new NWP (NWP A)	
Repair, rehabilitation, and replacement of previously authorized, currently serviceable structures or fills		authorizes only minor deviations for maintenance	PCN not required	no	all waters of the U.S.		
Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals		200 feet from structure; minimum necessary to restore capacity intake or outfall or associated canal	all activities	yes	all waters of the U.S.	move maintenance dredging/excavation provision for intakes, outfalls, and canals from NWP 7; 200 linear foot limit doesn't apply to removal of sediments from intake or outfall structures or canals	also authorizes placement of rip rap to protect the structure
<b>NWP 4</b> – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	none	PCN not required	no	all waters of the U.S.	remove provision for shellfish seeding (since it would be authorized by new NWP D or NWP 27)	does not authorize impoundments or artificial reefs; does not authorize covered oyster trays or clam racks
<b>NWP 5</b> – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	no	all waters of the U.S.	remove PCN requirement	
<b>NWP 6</b> – Survey Activities	10/404	25 cubic yards for temporary pads	PCN not required	no	all waters of the U.S.	add exploratory trenching; add temporary pads	does not authorize fills for roads; does not authorize permanent structures
<b>NWP 7</b> – Outfall Structures and Associated Intake Structures	10/404	none	all activities	yes	all waters of the U.S.	change title; move maintenance dredging/excavation activities to NWP 3	activity must comply with National Pollutant Discharge Elimination System Program
<b>NWP 8</b> – Oil and Gas Structures on the Outer Continental Shelf	10	none	all activities	no	navigable waters of the U.S.	change title; clarify that PCN required for all activities	limited to facilities in areas leased by the Minerals Management Service of the Department of the Interior
<b>NWP 9</b> – Structures in Fleeting and Anchorage Areas	10	none	PCN not required	no	navigable waters of the U.S.	none	applies to structures and buoys placed in anchorage or fleeting areas established by the U.S. Coast Guard
<b>NWP 10</b> – Mooring Buoys	10	none	PCN not required	no	navigable waters of the U.S.	none	
<b>NWP 11</b> – Temporary Recreational Structures	10	none	PCN not required	no	navigable waters of the U.S.	none	structures must be removed within 30 days after use discontinued

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<b>NWP 12 – Utility Line Activities</b>	10/404	1/2 acre	<ul style="list-style-type: none"> <li>utility line activities in section 10 waters</li> <li>permanent or temporary loss of &gt;1/10 acre</li> </ul>	yes, if PCN required	see text of NWP	simplify PCN requirements; remove construction of maintenance and access roads	permanent maintenance roads authorized by NWP 14; temporary construction roads authorized by NWP 33
utility lines				yes, if PCN required	all waters of the U.S.	none	must restore area to pre-construction contours
utility line substations		1/2 acre		yes, if PCN required	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	none	
foundations for overhead utility line towers, poles, and anchors		minimum necessary		yes, if PCN required	all waters of the U.S.	none	separate footings for each tower leg should be used where feasible
<b>NWP 13 – Bank Stabilization</b>	10/404	<ul style="list-style-type: none"> <li>500 linear feet, unless waived</li> <li>1 cubic yard per running foot below plane of OHWM/HTL, unless waived</li> </ul>	<ul style="list-style-type: none"> <li>discharge in special aquatic sites</li> <li>&gt;500 linear feet</li> <li>&gt;1 cubic yard per running foot</li> </ul>	yes, if PCN required	all waters of the U.S.	remove prohibition against bank stabilization activities in special aquatic sites (added PCN requirement)	waiver can be issued by district engineer to authorize bank stabilization activities >500 feet long or >1 cubic yard per running foot
<b>NWP 14 – Linear Transportation Projects</b>	10/404	<ul style="list-style-type: none"> <li>1/2 acre in non-tidal waters</li> <li>1/3 acre in tidal waters</li> </ul>	<ul style="list-style-type: none"> <li>&gt;1/10 acre discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	remove requirement for compensatory mitigation proposal with PCN; stream channel modifications must be minimum necessary to construct or protect the linear transportation project	does not authorize storage buildings, parking, lots, train stations, aircraft hangars, or other non-linear transportation features
<b>NWP 15 – U.S. Coast Guard Approved Bridges</b>	404	none	PCN not required	no	navigable waters of the U.S.	none	causeways and approach fills for bridges are not authorized by this NWP; these activities may require individual or regional general permits
<b>NWP 16 – Return Water From Upland Contained Disposal Areas</b>	404	none	PCN not required	no	all waters of the U.S.	none	water quality issues addressed through section 401 certification process
<b>NWP 17 – Hydropower Projects</b>	404	none	all activities	yes	all waters of the U.S., except navigable waters	reworded text, but terms and limits remain unchanged	applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements
<b>NWP 18 – Minor Discharges</b>	10/404	<ul style="list-style-type: none"> <li>25 cubic yards below plane of OHWM/HTL</li> <li>1/10 acre of waters of the U.S.</li> </ul>	<ul style="list-style-type: none"> <li>&gt;10 cubic yards below plane of OHWM/HTL</li> <li>discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	expand the 1/10 acre limit to include all waters of the U.S., not just special aquatic sites; does not authorize stream diversions	

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<b>NWP 19</b> – Minor Dredging	10/404	25 cubic yards below plane of OHWM/ MHWM	PCN not required	no	navigable waters of the U.S.	none	does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands
<b>NWP 20</b> – Oil Spill Cleanup	10/404	none	PCN not required	no	all waters of the U.S.	none	authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan and any existing state contingency plan
<b>NWP 21</b> – Surface Coal Mining Operations	10/404	none	all activities	yes	non-tidal waters of the U.S.	change in title; include activities processed under integrated permit processing procedures	prospective permittee must receive written authorization prior to commencing the activity
<b>NWP 22</b> – Removal of Vessels	10/404	none	<ul style="list-style-type: none"> <li>if vessel listed or eligible for National Register of Historic Places</li> <li>discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	restructure text; add PCN requirement for discharges into special aquatic sites	does not authorize maintenance dredging, shoal removal, or river bank snagging; disposal of removed vessel in waters of the U.S. may require separate permits from EPA and Corps
<b>NWP 23</b> – Approved Categorical Exclusions	10/404	none	PCN not required, unless stated in RGL	yes, if PCN required	all waters of the U.S.	clarify that some activities may require PCN; provide COE web site with RGLs for NWP 23	categorical exclusions must be approved by the Office of the Chief of Engineers
<b>NWP 24</b> – Indian Tribe or State Administered Section 404 Program	10	none	PCN not required	no	navigable waters of the U.S.	added Indian Tribes; list states that have assumed section 404 permitting authority	does not authorize activities in navigable waters that require only a section 10 permit
<b>NWP 25</b> – Structural Discharges	404	none	PCN not required	no	all waters of the U.S.	none	structure may require Section 10 permit if located in navigable waters of the U.S.; does not authorize structures that support buildings or similar structures
<b>NWP 27</b> – Aquatic Habitat Restoration, Establishment, and Enhancement Activities	10/404	none	all activities, except where there is an agreement between the landowner and an agency, or actions complying with NRCS regulations, or actions in accordance with a SMCRA permit (but PCN is required for reversion activities)	yes, if PCN required	all waters of the U.S.	add shellfish seeding; require reporting for Federal agency agreements; add state cooperating agencies; revise terminology; remove restriction for mitigation banks only if approved by mitigation banking guidelines; no conversion of natural wetlands	does not authorize stream channelization; does not authorize conversion of stream or natural wetland to other aquatic use; does not authorize relocation or conversion of tidal waters
<b>NWP 28</b> – Modifications of Existing Marinas	10	activities limited to authorized marina area	PCN not required	no	navigable waters of the U.S.	none	does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.

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<b>NWP 29</b> – Residential Developments	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>300 linear feet of stream bed, but DE can waive for intermittent and ephemeral</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	move provisions for residential developments from NWP 39 to NWP 29; add ephemeral streams to 300 linear foot limit; remove restrictions on who could use NWP; subdivision provision from NWP 39	
<b>NWP 30</b> – Moist Soil Management for Wildlife	404	none	PCN not required	no	non-tidal waters of the U.S.	remove term limiting use to government-owned or managed property; clarify that it is limited to non-tidal waters	does not authorize construction of new dikes, roads, water control structures, etc.; does not authorize conversion of wetlands to uplands; does not authorize impoundments
<b>NWP 31</b> – Maintenance of Existing Flood Control Facilities	10/404	maintenance baseline approved by district engineer	all activities	yes	all waters of the U.S.	add levees to list of examples of flood control facilities; remove sentence discussing ‘incidental fallback’	PCN must indicate location of dredged material disposal sites and baseline information
<b>NWP 32</b> – Completed Enforcement Actions	10/404	<ul style="list-style-type: none"> <li>5 acres of non-tidal waters</li> <li>1 acre of tidal waters (see text of NWP)</li> </ul>	PCN not required	no	all waters of the U.S.	change acreage limit applicability from “wetlands” to “waters”; modify sentence structure	
<b>NWP 33</b> – Temporary Construction, Access, and Dewatering	10/404	none	all activities	yes	all waters of the U.S.	no substantive changes; modify sentence structure	associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements; PCN must include mitigation plan
<b>NWP 34</b> – Cranberry Production Activities	404	10 acres, but activity cannot result in net loss of wetland acreage	all activities	yes	all waters of the U.S., except navigable waters	clarify that PCN is required only once during time NWP is valid	does not authorize discharges in waters of the U.S. for attendant features, such as warehouses, processing facilities, or parking areas
<b>NWP 35</b> – Maintenance Dredging of Existing Basins	10	dredging to previously authorized depths or controlling depths, whichever are less	PCN not required	no	navigable waters of the U.S.	change language “disposed of” to “deposited at”	dredged material must be deposited at upland sites
<b>NWP 36</b> – Boat Ramps	10/404	<ul style="list-style-type: none"> <li>50 cubic yards of fill, unless waived by DE</li> <li>20 foot width for boat ramp, unless waived by DE</li> </ul>	<ul style="list-style-type: none"> <li>&gt;50 cubic yards</li> <li>boat ramp &gt;20 feet wide</li> </ul>	yes, if PCN required	all waters of the U.S., except special aquatic sites	district engineer can waive 50 cubic yard limit and/or 20 foot width limit	section 10 permit required if dredging navigable waters is necessary for access to boat ramp
<b>NWP 37</b> – Emergency Watershed Protection and Rehabilitation	10/404	none	all activities	yes	all waters of the U.S.	none	
<b>NWP 38</b> – Cleanup of Hazardous and Toxic Waste	10/404	none	all activities	yes	all waters of the U.S.	no substantive changes	does not authorize the establishment of new disposal sites or the expansion of existing disposal sites

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<b>NWP 39</b> – Commercial and Institutional Developments	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>300 linear feet of stream bed but DE can waive for intermittent and ephemeral</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	add ephemeral streams to 300 linear foot limit; PCN for all activities; move residential developments to NWP 29; remove subdivision provision	
<b>NWP 40</b> – Agricultural Activities	404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>300 linear feet of stream bed but DE can waive for intermittent and ephemeral</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	add ephemeral streams to 300 linear foot limit; PCN for all activities; add farm ponds (but no fills in perennial streams or aquaculture ponds); remove restrictions on who could use NWP; remove provisions relating to USDA participants	simplify NWP for use for all agricultural activities, regardless of whether applicant is USDA participant; does not authorize aquaculture ponds
<b>NWP 41</b> – Reshaping Existing Drainage Ditches	404	none	reshape greater than 500 linear feet of drainage ditch	yes, if PCN required	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	remove prohibition for permanent sidecasting	reshaping drainage ditch cannot increase capacity of ditch or drain additional waters of the U.S.; does not authorize relocation of drainage ditches constructed in waters of the U.S.
<b>NWP 42</b> – Recreational Facilities	404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>300 linear feet of stream bed but DE can waive for intermittent and ephemeral</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	add ephemeral streams to 300 linear foot limit; PCN for all activities; remove requirement to integrate into landscape and not substantially change pre-construction grades or contours; expanded list of examples of authorized activities	authorize variety of recreational facilities, except for hotels, restaurants, racetracks, stadiums, arenas, or similar facilities (these may be authorized by NWP 39)
<b>NWP 43</b> – Stormwater Management Facilities	404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>300 linear feet of stream bed but DE can waive for intermittent and ephemeral</li> </ul>	all activities involving expansion or construction of SWM facilities	yes, if PCN required	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	add ephemeral streams to 300 linear foot limit; PCN required for expansion of existing SWM facilities and construction of new SWM facilities; remove 1/10 acre PCN threshold for maintenance	does not authorize construction of new SWM facilities in perennial streams
<b>NWP 44</b> – Mining Activities	10/404	1/2 acre	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	NWP can be used for any mining activity, except coal mining	PCN must include reclamation plan for certain mining activities
<b>NWP A</b> – Emergency Repair Activities	10/404	restore to pre-event ordinary high water mark	all activities	yes	all waters of the U.S.	New NWP from NWP 3(i) and (iii) components; removed 50 cubic yard limit; authorize bank stabilization to protect restored uplands; clarify that upland can be restored without permit to OHWM or high tide line; 2 year time period begins when PCN is submitted	PCN to district engineer within one year of damaging event; work must start or be under contract within two years of date of PCN is filed

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<b>NWP B</b> – Discharges in Ditches and Canals	404	1 acre	discharge fill material into greater than 500 linear feet of ditch	yes, if PCN required	certain types of ditches and canals constructed in uplands, and determined to be waters of the U.S.	new NWP	NWP does not authorize discharges into ditches and canals constructed in streams or other waters of the U.S., or in streams that have been relocated in uplands.
<b>NWP C</b> – Pipeline Safety Program Designated Time-Sensitive Inspections and Repairs	10/404	none	none	no	all waters of the U.S.	new NWP	permittee must participate in Pipeline Repair and Environmental Guidance System
<b>NWP D</b> – Commercial Shellfish Aquaculture Activities	10/404	existing project area	<ul style="list-style-type: none"> <li>• project area &gt; 25 acres</li> <li>• &gt; 10 acres of project area with SAV</li> <li>• relocate existing operations within project area</li> <li>• dredge harvesting in SAV</li> </ul>	yes, if PCN required	navigable waters of the U.S.	new NWP	molluscan species only; project area usually defined as area for which state or local agency has issued a lease or permit for aquaculture activities (see preamble)
<b>NWP E</b> – Coal Remining Activities	10/404	limited to sites that were previously mined for coal, but new mining may be conducted in adjacent areas if the newly mined area is less than 40 percent of the area being remined and reclaimed	all activities	yes	non-tidal waters of the U.S.	new NWP	permittee must demonstrate net increase in aquatic resource functions through reclamation; activities must be authorized by the Department of Interior (DOI), Office of Surface Mining (OSM), or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure; prospective permittee must receive written authorization prior to commencing the activity
<b>NWP F</b> – Underground Coal Mining Activities	10/404	<ul style="list-style-type: none"> <li>• 1/2 acre of non-tidal waters</li> </ul>	all activities	yes	non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters	new NWP	activities must be authorized by the Department of Interior (DOI), Office of Surface Mining (OSM), or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure; if reclamation required, copy of plan must be submitted with PCN; does not authorize coal preparation and processing activities outside of the mine site (these may be authorized by NWP 21)