

Summary of the 2007 Nationwide Permits¹ Strikethrough permits are revoked within the Chicago District's jurisdiction

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	Applicable Waters	Section 401 Cert	Other Information
NWP 1 – Aids to Navigation	40	none	PCN not required	no	navigable waters of the U.S.	none	
NWP 2 – Structures in Artificial Canals	10	none	PCN not required	no	navigable waters of the U.S.	none	
NWP 3 – Maintenance	40/404					Conditioned	
(a) Repair, rehabilitation, or 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.		does not authorize maintenance dredging for the primary purpose of navigation or beach restoration; does not authorize new stream channelization or stream relocation projects
(b) 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.		also authorizes placement of rip rap to protect the structure
(c) Temporary structures, fills, and work necessary to conduct maintenance activity			PCN not required	no	all waters of the U.S.		temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	none	PCN not required	no	all waters of the U.S.	Issued	does not authorize impoundments or artificial reefs; does not authorize covered oyster trays or clam racks
NWP 5 – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	no	all waters of the U.S.	Issued	
NWP 6 – Survey Activities	10/404	25 cubic yards for temporary pads	PCN not required	no	all waters of the U.S.	Conditioned	does not authorize fills for roads; does not authorize permanent structures
NWP 7 – Outfall Structures and Associated Intake Structures	40/404	none	all activities	yes	all waters of the U.S.	Issued	activity must comply with National Pollutant Discharge Elimination System Program
NWP 8 – Oil and Gas Structures on the Outer Continental Shelf	10	none	all activities	no	navigable waters of the U.S.	N/A	limited to facilities in areas leased by the Minerals Management Service of the Department of the Interior

¹ This table is intended to provide **general** information on the nationwide permits published in the March 12, 2007, *Federal Register* (72 FR 11092). Prospective users of the nationwide permits should read the text of the nationwide permits, general conditions, and definitions to assess whether a particular nationwide permit could authorize a specific project. Prospective users should also review the pre-construction notification requirements of the nationwide permits and contact the appropriate Corps district to determine if any regional conditions have been imposed on the nationwide permits.

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NWP 9 – Structures in Fleeting and Anchorage Areas	10	none	PCN not required	no	navigable waters of the U.S.	N/A	applies to structures, buoys, and other devices placed in anchorage or fleeting areas established by the U.S. Coast Guard
NWP 10 – Mooring Buoys	10	none	PCN not required	no	navigable waters of the U.S.	N/A	
NWP 11 – Temporary Recreational Structures	10	none	PCN not required	no	navigable waters of the U.S.	N/A	structures must be removed within 30 days after use discontinued
NWP 12 – Utility Line Activities	10/404	1/2 acre	<ul style="list-style-type: none"> • a section 10 permit is required • mechanized land clearing in forested wetlands for the right-of-way • discharges that result in the loss of >1/10 acre 	yes, if PCN required	see text of NWP	Conditioned	temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations
utility lines			<ul style="list-style-type: none"> • utility line exceeds 500 linear feet in waters of the U.S. • utility line runs parallel to a stream bed within jurisdictional area 		all waters of the U.S.		must restore area to pre-construction contours
utility line substations					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters		
foundations for overhead utility line towers, poles, and anchors					all waters of the U.S.		separate footings for each tower leg should be used where feasible
access roads			<ul style="list-style-type: none"> • above-grade permanent access roads exceeding 500 feet; • permanent access roads constructed with impervious materials 		non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters		access roads must be constructed to minimize adverse effects to waters of the U.S.

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NWP 13 — Bank Stabilization	40/404	<ul style="list-style-type: none"> • 500 feet along the bank (unless waived by DE) • 1 cubic yard per running foot (unless waived by DE) 	<ul style="list-style-type: none"> • >500 linear feet in length • >1 cubic yard per running foot along bank below OHWM or HTL • discharges into special aquatic sites 	yes, if PCN required	all waters of the U.S.	Conditioned	activity cannot impair surface water flow into or out of waters of the U.S.
NWP 14 — Linear Transportation Projects	40/404	<ul style="list-style-type: none"> • 1/2 acre in non-tidal waters • 1/3 acre in tidal waters 	<ul style="list-style-type: none"> • >1/10 acre • discharges into special aquatic sites 	yes, if PCN required	all waters of the U.S.	Conditioned	temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations; does not authorize storage buildings, parking, lots, train stations, aircraft hangars, or other non-linear transportation features
NWP 15 — U.S. Coast Guard Approved Bridges	404	none	PCN not required	no	navigable waters of the U.S.	Denied	causeways and approach fills for bridges are not authorized by this NWP; those activities require separate section 404 authorization
NWP 16 — Return Water From Upland Contained Disposal Areas	404	none	PCN not required	no	all waters of the U.S.	Denied	water quality issues addressed through section 401 certification process
NWP 17 — Hydropower Projects	404	none	all activities	yes	all waters of the U.S., except section 10 waters	Denied	applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements
NWP 18 — Minor Discharges	40/404	<ul style="list-style-type: none"> • 25 cubic yards discharged below plane of OHWM/HTL • 1/10 acre of waters of the U.S. 	<ul style="list-style-type: none"> • >10 cubic yards discharged below plane of OHWM/HTL • discharges into special aquatic sites 	yes, if PCN required	all waters of the U.S.	Denied	does not authorize discharges for stream diversions
NWP 19 — Minor Dredging	40/404	25 cubic yards below plane of OHWM/MHWM	PCN not required	no	navigable waters of the U.S.	Denied	does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands
NWP 20 — Oil Spill Cleanup	40/404	none	PCN not required	no	all waters of the U.S.	Issued	authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan and any existing state contingency plan
NWP 21 — Surface Coal Mining Operations	10/404	none	all activities	yes	all waters of the U.S.	Denied	prospective permittee must receive written authorization prior to commencing the activity

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NWP 22 Removal of Vessels	40/404	none	<ul style="list-style-type: none"> • if vessel listed or eligible for National Register of Historic Places • activities in special aquatic sites 	yes, if PCN required	all waters of the U.S.	Issued	does not authorize maintenance dredging, shoal removal, or river bank snagging; disposal of removed vessel in waters of the U.S. may require separate authorizations from EPA and Corps
NWP 23 – Approved Categorical Exclusions	10/404	none	PCN not required, except for certain activities stated in RGL	yes, if PCN required	all waters of the U.S.	Denied	categorical exclusions must be approved by the Office of the Chief of Engineers
NWP 24 – Indian Tribe or State Administered Section 404 Program	10	none	PCN not required	no	navigable waters of the U.S.	N/A	does not authorize activities in navigable waters that require only a section 10 permit
NWP 25 Structural Discharges	404	none	PCN not required	no	waters of the U.S.	Denied	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
NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities	40/404	none	all activities, except for those that require reporting (e.g., activities under a binding agreement between the landowner and an agency)	yes, if PCN required	all waters of the U.S.	Conditioned	does not authorize stream channelization, relocation or conversion of tidal waters, or conversion of natural wetlands or streams (except for relocation activities); notification required for reversion activities
NWP 28 – Modifications of Existing Marinas	10	activities limited to authorized marina area	PCN not required	no	navigable waters of the U.S.	N/A	does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.
NWP 29 Residential Developments	40/404	<ul style="list-style-type: none"> • 1/2 acre • 300 linear feet of stream bed, but DE can waive for intermittent and ephemeral 	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Denied	
NWP 30 – Moist Soil Management for Wildlife	404	none	PCN not required	no	non-tidal waters of the U.S.	Denied	authorizes only on-going activities; does not authorize construction of new dikes, roads, water control structures, etc.; does not authorize conversion of wetlands to uplands; does not authorize impoundments
NWP 31 Maintenance of Existing Flood Control Facilities	40/404	maintenance baseline approved by district engineer	all activities	yes	all waters of the U.S.	Denied	PCN must indicate location of dredged material disposal sites and baseline information

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NWP 32 — Completed Enforcement Actions	40/404	<ul style="list-style-type: none"> • 5 acres of non-tidal waters • 1 acre of tidal waters • also see text of NWP 	PCN not required	no	all waters of the U.S.	Denied	
NWP 33 — Temporary Construction, Access, and Dewatering	40/404	none	all activities	yes	all waters of the U.S.	Conditioned	associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements; PCN must include restoration plan
NWP 34 – Cranberry Production Activities	404	10 acres, but activity cannot result in net loss of wetland acreage	all activities	yes	section 404 waters only	Denied	does not authorize discharges in waters of the U.S. for attendant features, such as warehouses, processing facilities, or parking areas
NWP 35 – 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.	N/A	dredged material must be deposited at upland site
NWP 36 — Boat Ramps	40/404	<ul style="list-style-type: none"> • 50 cubic yards, unless waived by DE • 20 foot width, unless waived by DE 	<ul style="list-style-type: none"> • >50 cubic yards • >20 foot wide 	yes, if PCN required	all waters of the U.S., except special aquatic sites	Issued	section 10 permit required if dredging navigable waters is necessary for access to boat ramp
NWP 37 – Emergency Watershed Protection and Rehabilitation	10/404	none	all activities	yes	all waters of the U.S.	Denied	in general, permittee should wait until district engineer issues verification, but may proceed immediately if there is an unacceptable hazard to life or significant loss of property or economic hardship will occur
NWP 38 — Cleanup of Hazardous and Toxic Waste	40/404	none	all activities	yes	all waters of the U.S.	Conditioned	does not authorize the establishment of new disposal sites or the expansion of existing disposal sites
NWP 39 — Commercial and Institutional Developments	40/404	<ul style="list-style-type: none"> • 1/2 acre • 300 linear feet of stream bed but DE can waive for intermittent and ephemeral 	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Denied	does not authorize construction of new golf courses, new ski areas, or oil and gas wells
NWP 40 – Agricultural Activities	404	<ul style="list-style-type: none"> • 1/2 acre • 300 linear feet of stream bed but DE can waive for intermittent and ephemeral 	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Denied	NWP can be used for agricultural activities, regardless of whether applicant is USDA participant; does not authorize aquaculture ponds

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NWP 41 — 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	Conditioned	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.
NWP 42 — Recreational Facilities	404	<ul style="list-style-type: none"> • 1/2 acre • 300 linear feet of stream bed but DE can waive for intermittent and ephemeral 	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Denied	authorizes variety of recreational facilities, except for hotels, restaurants, racetracks, stadiums, arenas, or similar facilities (these may be authorized by NWP 39)
NWP 43 – Stormwater Management Facilities	404	<ul style="list-style-type: none"> • 1/2 acre • 300 linear feet of stream bed but DE can waive for intermittent and ephemeral 	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	Denied	does not authorize construction of new SWM facilities in perennial streams; maintenance does not require PCN if limited to restoring original design capacities
NWP 44 – 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	Denied	PCN must include reclamation plan if reclamation is required by other statutes
NWP 45 – Repair of Uplands Damaged by Discrete Events	10/404	Restore uplands to pre-event ordinary high water mark	all activities	yes	all waters of the U.S.	Issued	PCN must be submitted to district engineer within one year of date of damage; work must start or be under contract within two years of date of damage
NWP 46 – Discharges in Ditches	404	1 acre	all activities	yes	certain types of non-tidal ditches constructed in uplands, and determined to be waters of the U.S.	Conditioned	NWP does not authorize discharges into ditches constructed in streams or other waters of the U.S., or in streams that have been relocated in uplands.
NWP 47 – Pipeline Safety Program Designated Time-Sensitive Inspections and Repairs	10/404	none	none	no	all waters of the U.S.	Conditioned	permittee must participate in Pipeline Repair and Environmental Guidance System
NWP 48 – Existing Commercial Shellfish Aquaculture Activities	10/404	existing project area	<ul style="list-style-type: none"> • project area > 100 acres • reconfiguration of the activity • change in species • change in culture methods • dredge harvesting, tilling, or harrowing in SAV 	yes, if PCN required	navigable waters of the U.S.	Denied	molluscan species only; project area usually defined as area for which state or local agency has issued a lease or permit for aquaculture activities; for those activities that do not require a PCN, permittees must submit report (report required only once during 5-year period)

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NWP 49 – 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 plus any unmined area needed for reclamation	all activities	yes	non-tidal waters of the U.S.	Denied	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 IV and 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
NWP 50 – Underground Coal Mining Activities	10/404	none	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Denied	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, a copy of the 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); prospective permittee must receive written authorization prior to commencing the activity

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