

Summary of the 2021 Nationwide Permits for Chicago District¹ –Indiana

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	401 Water Quality Certification	Applicable Waters	Other Information
NWP 1 – Aids to Navigation	10	None	PCN not required	No	Approved	Navigable waters of the U.S.	
NWP 2 – Structures in Artificial Canals	10	None	PCN not required	No	Approved	Navigable waters of the U.S.	
NWP 3 - Maintenance	10/404				Approved with General & Special Conditions		
(a) Repair, rehabilitation, or replacements 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; beach restoration; or new stream channelization or stream relocation projects. Limits stream channel modification to the minimum necessary for the maintenance activity.
(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.	
(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 preconstruction elevations
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	None	PCN not required	No	Approved with General Conditions	All waters of the U.S.	Does not authorize impoundments or artificial reefs. Does not authorize covered oyster trays or clam racks.
NWP 5 – Scientific Measurement Devices	10/404		PCN not required	no	Approved with General Conditions	All waters of the U.S.	Devices and any associated structures or fills be removed upon completion of the use and restored to pre-construction elevations to maximum extent practicable.
NWP 6 – Survey Activities	10/404		PCN not required	No	Approved with General Conditions	All waters of the U.S.	Does not authorize fills for roads. Does not authorize permanent structures. Does not authorize fill associated with recovery of historic properties. Backfilling of exploratory trenches must not drain a water of the U.S.

¹This table is intended to provide general information on the 2021 nationwide permits. The 2021 nationwide permits have been submitted to the Federal Register for publication. The final rule published on January 13, 2021 for the 2021 nationwide permits includes general conditions and definitions. The first 12 finalized 2021 NWPs were published in the Federal Register on January 13, 2021 and the remaining 41 were published in the Federal Register on December 27, 2021. All expire March 14, 2026.

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NWP 7 – Outfall Structures and Associated Intake Structures	10/404	None	All activities	Yes	Approved with General & Special Conditions	All waters of the U.S.	Activity must comply with National Pollutant Discharge Elimination System Program.
NWP 8 – Oil and Gas Structure on the Outer continental Shelf	10	None	All activities	No	N/A	Navigable waters of the U.S.	Limited to facilities in areas leased by the Bureau of Ocean Energy Management of the Department of the Interior.
NWP 9 – Structures in Fleeting and Anchorage Areas	10	None	PCN not required	No	Approved	Navigable waters of the U.S.	Applies to structures, buoys, and other devices placed in anchorage or fleeting areas established for those purposes
NWP 10 – Mooring Buoys	10	None	PCN not required	No	Approved	Navigable waters of the U.S.	Non-commercial, single boat mooring buoys
NWP 11 – Temporary Recreational Structures	10	None	PCN not required	No	Approved	Navigable waters of the U.S.	Structures must be removed within 30 days after use discontinued.
NWP 12 – Oil or Natural Gas Pipeline Activities	10/404	½ Acre	<ul style="list-style-type: none"> • A section 10 permit is required • Discharges that result in the loss of >1/10-acre • New oil or natural gas pipeline greater than 250 miles in length 	Yes, if PCN required	Approved with General & Special Conditions	See text of NWP	Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.
Oil or natural gas pipelines						All waters of the U.S., including navigable waters	Must restore area to pre-construction contours.
Oil or natural gas pipeline substations						Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	
Foundations for above-ground oil or natural gas pipelines						All waters of the U.S.	
Access roads						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	10/404		<ul style="list-style-type: none"> >500 linear feet in length >1 cubic yard per running foot, as measured along the treated bank, below OHWM or HTL Discharges into special aquatic sites 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S.	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Native plant species appropriate for site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization.
NWP 14 – Linear Transportation Projects	10/404		<ul style="list-style-type: none"> Discharges that result in the loss of >1/10 acre Discharges into special aquatic sites 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S.	Temporary fills must be removed in their entirety and the affected areas returned to preconstruction 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	Approved with General & Special Conditions	Navigable waters of the U.S.	Causeways and approach fills for bridges are not authorized by this NWP; those activities require separate section 404 authorization. Bridge structures can be authorized by Section 9 of the Rivers and Harbors Act or other applicable laws.
NWP 16 – Return Water from Upland Contained Disposal Areas	404	None	PCN not required	No	Deny	All waters of the U.S.	Water quality issues addressed through Clean Water Act section 401 certification process
NWP 17 – Hydropower Projects	404	None	All activities	Yes	Deny	All waters of the U.S., except navigable (i.e., section 10) waters	Applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements.
NWP 18 – Minor Discharges	10/404		<ul style="list-style-type: none"> >10 cubic yards discharged below plane of OHWM/HTL Discharges into special aquatic sites 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S.	Does not authorize discharges for stream diversions.
NWP 19 – Minor Dredging	10/404		PCN not required	No	Approved with General Conditions	Navigable waters of the U.S.	Does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands. Does not authorize the connection of canals to navigable waters.

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NWP 20 – Response Operation for Oil or Hazardous Substances	10/404	None	PCN not required	No	Deny	All waters of the U.S.	Authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan. Authorizes activities required for cleanup of oil releases in waters of the U.S. Authorizes use of temporary structures and fills for spill response training exercises.
NWP 21 – Surface Coal Mining Activities	10/404		All activities	Yes	Approved	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Activities must be authorized, or currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.
NWP 22 – Removal of Vessels	10/404	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	Approved with General Conditions	All waters of the U.S.	Does not authorize maintenance dredging, shoal removal, or riverbank 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 identified in RGL 05-07	Yes, if PCN required	Deny	All waters of the U.S.	Categorical exclusions must be approved by the Office of the Chief of Engineers. See RGL 05-07 for list of agencies and their activities that are currently eligible for NWP 23.
NWP 24 – Indian Tribe or State Administered Section 404 Program	10	None	PCN not required	No	N/A	Navigable waters of the U.S.	Does not authorize activities in navigable waters that require only a section 10 permit.
NWP 25 – Structural Discharges	404	None	PCN not required	No	Approved with General & Special Conditions		Structure may require a 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, Enhancement, and Establishment Activities	10/404	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	Approved with General & Special Conditions	All waters of the U.S.	Does not authorize stream channelization. Does not authorize relocation or conversion of tidal waters. Does not authorize conversion of natural wetlands or streams, except for relocation activities. Compensatory mitigation is not required for NWP 27 activities.
NWP 28 – Modifications to Existing Marinas	10		PCN not required	No	Approved	Navigable waters of the U.S.	Does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.
NWP 29 – Residential Developments	10/404		All activities	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed 1/2-acre.

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NWP 30 – Moist Soil Management for Wildlife	404	None	PCN not required	No	Approved with General Conditions	Non-tidal waters of the U.S.	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. Does not authorize activities that result in net loss of aquatic functions and services.
NWP 31 – Maintenance of Existing Flood Control Structures	10/404		All activities	Yes	Deny	All waters of the U.S.	PCN must indicate location of sites for disposal of dredged or excavated material and baseline information. Authorizes the removal of vegetation from levees associated with a flood control project, if Corps permits are required for those activities.
NWP 32 – Completed Enforcement Actions	10/404		PCN not required	No	Deny	All waters of the U.S.	
NWP 33 – Temporary Construction, Access, and Dewatering	10/404	None	All activities in navigable (i.e., section 10) waters	Yes	Approved with General & Special Conditions	All waters of the U.S.	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		All activities	Yes	Deny	Section 404 waters only	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		PCN not required	No	Deny	Navigable waters of the U.S.	
NWP 36 – Boat Ramps	10/404		<ul style="list-style-type: none"> • >50 cubic yards • >20 feet wide 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S., except special aquatic sites	Section 10 permit required if dredging navigable water is necessary for access to boat ramp. No placement of material in special aquatic sites.
NWP 37 – Emergency Watershed Protection and Rehabilitation	10/404	None	All activities	Yes	Approved with General & Special Conditions	All waters of the U.S.	Prospective permittee should wait 45 calendar days before proceeding with the activity if the DE has not yet issued a verification letter, 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	10/404	None	All activities	Yes	Deny	All waters of the U.S.	Does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.
NWP 39 – Commercial and Institutional Developments	10/404	½ Acre	All activities	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Does not authorize construction of new golf courses or new ski areas. Authorizes the construction of oil or gas wells. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.
NWP 40 – Agricultural Activities	404	½ Acre	All activities	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	NWP can be used for agricultural activities, regardless of whether applicant is USDA participant. Does not authorize aquaculture ponds.
NWP 41 – Reshaping Existing Drainage and Irrigation Ditches	404	None	PCN not required	No	Deny	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	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.

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NWP 42 – Recreational Facilities	404	½ Acre	All activities	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	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	½ Acre	All activities involving expansion or construction of SWM facilities	Yes, if PCN required	Deny	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Does not authorize construction of new stormwater management facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities. Also authorizes low impact development integrated management features and pollutant reduction green infrastructure features.
NWP 44 – Mining Activities	10/404	½ Acre	All activities	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	PCN must include final reclamation plan if reclamation is required by other statutes.
NWP 45 – Repair of Uplands Damaged by Discrete Events	10/404		All activities	Yes	Approved	All waters of the U.S.	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	Approved with General & Special Conditions	Certain types of non-tidal ditches constructed in uplands and determined to be waters of the U.S.	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 48 – Commercial Shellfish Mariculture Activities	10/404	None	New and existing activities that directly affect greater than ½-acres of submerged aquatic vegetation	No	N/A	Navigable waters of the U.S.	Does not authorize nonindigenous species not previously cultivated in the waterbody, aquatic nuisance species, or attendant features such as docks or staging areas. Does not authorize the deposition of shell material back into waters of the U.S. as waste. 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.
NWP 49 – Coal Remining Activities	10/404		All activities	Yes	Approved	Non-tidal waters of the U.S.	Permittee must demonstrate net increase in aquatic resource functions through reclamation. Activities must be authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title IV and V of the Surface Mining Control and Reclamation Act of 1977. Corps will review the SMCRA determination regarding the amount of previously unmined area necessary for the reclamation and make an independent determination of the amount needed.
NWP 50 – Underground Coal Mining Activities	10/404		All activities	Yes	Approved	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Activities must be authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977. 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.

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NWP 51 – Land-Based Renewable Energy Generation Facilities	10/404		Discharges that result in the loss of >1/10 acre	Yes	Approved with General & Special Conditions	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Authorizes construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. If only activity requiring DA authorization is utility line, then NWP 57 shall be used. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.
NWP 52 – Water-Based Renewable Energy Generation Pilot Projects	10/404		All activities	Yes	Approved with General & Special Conditions	All waters of the U.S., except in coral reefs	Authorizes construction, expansion, modification, or removal of water-based renewable energy generation pilot projects and their attendant features. Limited to “pilot projects.” Placement of a transmission line on bed of a navigable water of U.S. from generation unit to land-based collection facility is considered a structure under section 10 and is not considered a loss of waters of the U.S. Prohibits activities in coral reefs. Structures in anchorage areas must comply with U.S. Coast Guard requirements. Does not authorize structures in established danger zones, restricted areas, etc. Upon completion of pilot project, associated structures and/or fills must be removed unless authorized by separate DA permit. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate and complete linear projects. An activity located on an existing, maintained Corps project requires separate approval under 33 USC 408. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.
NWP 53 – Removal of Low-Head Dams	10/404	None	All activities	Yes	Deny	All waters of the U.S.	Authorizes the removal of low-head dams for stream restoration and public safety. “Low-head dam” defined as a dam built to pass upstream flows over the entire width of the dam crest on a continual and uncontrolled basis. As a general rule, compensatory mitigation is not required for these activities because they result in net increases in stream ecological functions and services. NWP does not authorize regulated activities for restoration of stream in vicinity of former impoundment (these activities may be authorized by NWP 27), or bank stabilization activities (these activities may be authorized by NWP 13).
NWP 54 – Living Shorelines	10/404		All new activities; PCN not required for repair and maintenance of existing living shorelines	Yes	Deny	All waters of the U.S.	Authorizes construction and maintenance of living shorelines for shore erosion control. Living shorelines consist of natural and man-made materials. May include stone or reef structures to protect the shoreline from low to moderate energy waves. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. Does not authorize beach nourishment or land reclamation activities. Discharges of dredged or fill material into waters of the United States, including the construction of fill structures such as sills or breakwaters, must be the minimum necessary for the establishment and maintenance of the living shoreline.
NWP 55 – Seaweed Mariculture Activities	10	None	All activities	Yes	N/A	Navigable waters of the U.S.	Prohibits the cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(1)(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(1)(1)), or EPA or Corps designated open water dredged material disposal areas.

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NWP 56 – Finfish Mariculture Activities	10	None	All activities	Yes	N/A	Navigable waters of the U.S.	Prohibits the cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody. 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.
NWP 57 (C)– Electric Utility Line and Telecommunications Activities	10/404	½ Acre	<ul style="list-style-type: none"> • A section 10 permit is required • Discharges that result in the loss of >1/10-acre 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S.	Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.
Electric utility lines and telecommunication lines						All waters of the U.S., including navigable waters	Must restore area to pre-construction contours.
Electric utility line and telecommunication substations						Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	
Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors						All waters of the U.S.	
Access roads						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.
NWP 58 (D) – Utility Line Activities for Water and Other Substances	10/404	½ Acre	<ul style="list-style-type: none"> • A section 10 permit is required • Discharges that result in the loss of >1/10-acre 	Yes, if PCN required	Approved with General & Special Conditions	All waters of the U.S.	Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.
Utility lines						All waters of the U.S., including navigable waters	Must restore area to pre-construction contours.

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Utility line substations						Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	
Foundations for above-ground utility lines						All waters of the U.S.	
Access roads						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.
NWP 59 (E) – Water Reclamation and Reuse Facilities	10/404	½ Acre	All activities	Yes	Deny	Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, 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 preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.