

**Summary of the 2021 and 2017 Nationwide Permits (NWP) for Chicago District<sup>1</sup> – Strikethrough permits are suspended within Indiana; however, suspended activities and impacts over NWPs threshold may be covered by Regional General Permit No. 001**

Nationwide Permit	Published Year	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	401 Water Quality Certification	Applicable Waters	Other Information
NWP 1 – Aids to Navigation	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	
NWP 2 – Structures in Artificial Canals	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	
NWP 3 - Maintenance	2017	10/404				Issued subject to 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	2017	10/404	None	PCN not required	No	Issued subject to General Conditions	All waters of the U.S.	Does not authorize impoundments or artificial reefs. Does not authorize covered oyster trays or clam racks.

<sup>1</sup>This table is intended to provide general information on the 2021 and 2017 nationwide permits. The 2021 nationwide permits, in which 12 existing nationwide permits have been reissued and 4 new nationwide permits have been issued along with changes to the general conditions and definitions, have been submitted to the Federal Register for publication. The final rule for the 2021 nationwide permits includes revised general conditions and definitions. The 12 finalized 2021 NWPs were published in the Federal Register on January 13, 2021 and replace 12 of the existing 2017 NWPs. Those NWPs are indicated by “2021” in the “Published Year” Column. Forty of the 2017 nationwide permits continue to be in effect until they are replaced by reissued NWPs. The text of the 2017 nationwide permits and their general conditions were published in the January 6, 2017, issue of the Federal Register (82 FR 1860).

<b>Nationwide Permit</b>	<b>Published Year</b>	<b>Statutory Authority</b>	<b>Limits</b>	<b>Pre-Construction Notification (PCN) Threshold</b>	<b>Delineation Required?</b>	<b>401 Water Quality Certification</b>	<b>Applicable Waters</b>	<b>Other Information</b>
<b>NWP 5 – Scientific Measurement Devices</b>	2017	10/404		PCN not required	no	Issued subject to 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.
<b>NWP 6 – Survey Activities</b>	2017	10/404		PCN not required	No	Issued subject to 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.
<b>NWP 7 – Outfall Structures and Associated Intake Structures</b>	2017	10/404	None	All activities	Yes	Issued subject to General & Special Conditions	All waters of the U.S.	Activity must comply with National Pollutant Discharge Elimination System Program.
<b>NWP 8 – Oil and Gas Structure on the Outer continental Shelf</b>	2017	10	None	All activities	No	Denied	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.
<b>NWP 9 – Structures in Fleeting and Anchorage Areas</b>	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	Applies to structures, buoys, and other devices placed in anchorage or fleeting areas established for those purposes
<b>NWP 10 – Mooring Buoys</b>	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	Non-commercial, single boat mooring buoys
<b>NWP 11 – Temporary Recreational Structures</b>	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	Structures must be removed within 30 days after use discontinued.
<b>NWP 12 – Oil or Natural Gas Pipeline Activities</b>	2021	10/404	½ Acre	<ul style="list-style-type: none"> <li>• A section 10 permit is required</li> <li>• Discharges that result in the loss of &gt;1/10-acre</li> <li>• New oil or natural gas pipeline greater than 250 miles in length</li> </ul>	Yes, if PCN required	Issued subject to 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.

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Oil or natural gas pipeline substations (NWP 12 Cont)							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.
<del>NWP 13 – Bank Stabilization</del>	2017	10/404		<ul style="list-style-type: none"> <li>• <del>&gt;500 linear feet in length</del></li> <li>• <del>&gt;1 cubic yard per running foot, as measured along the treated bank, below OHWM or HFL</del></li> <li>• <del>Discharges into special aquatic sites</del></li> </ul>	Yes, if PCN required	N/A	All waters of the U.S.	<del>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.</del>
<del>NWP 14 – Linear Transportation Projects</del>	2017	10/404		<ul style="list-style-type: none"> <li>• <del>Discharges that result in the loss of &gt;1/10 acre</del></li> <li>• <del>Discharges into special aquatic sites</del></li> </ul>	Yes, if PCN required	N/A	All waters of the U.S.	<del>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.</del>
NWP 15 – U.S. Coast Guard Approved Bridges	2017	404	None	PCN not required	No	Issued subject to 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	2017	404	None	PCN not required	No	Denied	All waters of the U.S.	Water quality issues addressed through Clean Water Act section 401 certification process

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NWP 17 – Hydropower Projects	2017	404	None	All activities	Yes	Denied	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	2017	10/404		<ul style="list-style-type: none"> <li>• <del>&gt;10 cubic yards discharged below plane of OHWM/HTL</del></li> <li>• <del>Discharges into special aquatic sites</del></li> </ul>	Yes, if PCN required	N/A	All waters of the U.S.	Does not authorize discharges for stream diversions.
NWP 19 – Minor Dredging	2017	10/404		PCN not required	No	Issued subject to 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.
NWP 20 – Response Operation for Oil or Hazardous Substances	2017	10/404	None	PCN not required	No	Denied	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	2021	10/404		All activities	Yes	Issued subject to General Conditions	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	2017	10/404	None	<ul style="list-style-type: none"> <li>• If vessel listed or eligible for National Register of Historic Places</li> <li>• Activities in special aquatic sites</li> </ul>	Yes, if PCN required	Issued subject to 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	2017	10/404	None	PCN not required, except for certain activities identified in RGL 05-07	Yes, if PCN required	Denied	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.

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<b>NWP 24</b> – Indian Tribe or State Administered Section 404 Program	2017	10	None	PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	Does not authorize activities in navigable waters that require only a section 10 permit.
<b>NWP 25</b> – Structural Discharges	2017	404	None	PCN not required	No	Issued subject to 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.
<b>NWP 27</b> – Aquatic Habitat Restoration, Enhancement, and Establishment Activities	2017	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	Issued subject to 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.
<b>NWP 28</b> – Modifications to Existing Marinas	2017	10		PCN not required	No	Issued subject to General Conditions	Navigable waters of the U.S.	Does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.
<b>NWP 29</b> – Residential Developments	2021	10/404		All activities	Yes	Issued subject to 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.
<b>NWP 30</b> – Moist Soil Management for Wildlife	2017	404	None	PCN not required	No	Issued subject to 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.
<b>NWP 31</b> – Maintenance of Existing Flood Control Structures	2017	10/404		All activities	Yes	Denied	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.
<b>NWP 32</b> – Completed Enforcement Actions	2017	10/404		PCN not required	No	Denied	All waters of the U.S.	
<b>NWP 33</b> – Temporary Construction, Access, and Dewatering	2017	10/404	None	All activities in navigable (i.e., section 10) waters	Yes	Issued subject to General 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.
<b>NWP 34</b> – Cranberry Production Activities	2017	404		All activities	Yes	Denied	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.

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NWP 35 – Maintenance Dredging of Existing Basins	2017	10		PCN not required	No	Denied	Navigable waters of the U.S.	
<del>NWP 36 – Boat Ramps</del>	<del>2017</del>	<del>10/404</del>		<del>• &gt;50 cubic yards • &gt;20 feet wide</del>	<del>Yes, if PCN required</del>	<del>N/A</del>	<del>All waters of the U.S., except special aquatic sites</del>	<del>Section 10 permit required if dredging navigable water is necessary for access to boat ramp. No placement of material in special aquatic sites.</del>
NWP 37 – Emergency Watershed Protection and Rehabilitation	2017	10/404	None	All activities	Yes	Issued subject to 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	2017	10/404	None	All activities	Yes	Denied	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	2021	10/404	½ Acre	All activities	Yes	Issued subject to 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	2021	404	½ Acre	All activities	Yes	Issued subject to 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.
<del>NWP 41 – Reshaping Existing Drainage and Irrigation Ditches</del>	<del>2017</del>	<del>404</del>	<del>None</del>	<del>PCN not required</del>	<del>No</del>	<del>N/A</del>	<del>Non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters</del>	<del>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.</del>
NWP 42 – Recreational Facilities	2021	404	½ Acre	All activities	Yes	Issued subject to 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	2021	404	½ Acre	All activities involving expansion or construction of SWM facilities	Yes, if PCN required	Denied	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.

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<b>NWP 44 – Mining Activities</b>	2021	10/404	½ Acre	All activities	Yes	Issued subject to 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.
<b>NWP 45 – Repair of Uplands Damaged by Discrete Events</b>	2017	10/404		All activities	Yes	Issued subject to General Conditions	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.
<b>NWP 46 – Discharges in Ditched</b>	2017	404	1 Acre	All activities	Yes	Issued subject to 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.
<b>NWP 48 – Commercial Shellfish Mariculture Activities</b>	2021	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.
<b>NWP 49 – Coal Remining Activities</b>	2017	10/404		All activities	Yes	Issued subject to General Conditions	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.
<b>NWP 50 – Underground Coal Mining Activities</b>	2021	10/404		All activities	Yes	Issued subject to General Conditions	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	2021	10/404		Discharges that result in the loss of >1/10 acre	Yes	Issued subject to 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 C 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	2021	10/404		All activities	Yes	Issued subject to 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	2017	10/404	None	All activities	Yes	Denied	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	2017	10/404		All new activities; PCN not required for repair and maintenance of existing living shorelines	Yes	Denied	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.



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NWP 55 (A) – Seaweed Mariculture Activities	2021	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.
NWP 56 (B) – Finfish Mariculture Activities	2021	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.
NWP 57 (C) – Electric Utility Line and Telecommunications Activities	2021	10/404	½ Acre	<ul style="list-style-type: none"> <li>• A section 10 permit is required</li> <li>• Discharges that result in the loss of &gt;1/10-acre</li> </ul>	Yes, if PCN required	Issued subject to 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.	

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Access roads (NWP 57 (C) Cont)							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.
<b>NWP 58 (D) – Utility Line Activities for Water and Other Substances</b>	2021	10/404	½ Acre	<ul style="list-style-type: none"> <li>• A section 10 permit is required</li> <li>• Discharges that result in the loss of &gt;1/10-acre</li> </ul>	Yes, if PCN required	Issued subject to 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.
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.