

Rationales for Typical Corps Permit Determinations of No Permit Required and DOH Determination of Section 401 Requirement

	Activity is NOT in waters of the US (WOUS)	Activity is in WOUS, but is.....				
Rationale for Corps determination of No Permit Required	Activity is located outside the Corps jurisdiction	Not a regulated activity at all	Not a regulated activity in this location/context	Regulated by another agency (e.g. USCG)	Exempt* under Section 404(f) of the Clean Water Act (Maintenance of an existing structure or fill in the same size, scope, and character of the existing structure or fill) <small>*Activity would normally be regulated under other circumstances</small>	Corps does not issue permits for Corps Civil Works projects
Examples	Placing/stockpiling material in uplands	Painting, mowing	Structures in non-tidal waters (Section 10 does not apply)	Bridge maintenance and structural BMPs (NOT fill)	Replacing a lost concrete panel in a concrete-lined stream following a big storm	Corps Civil Works project
Does this activity need a Section 401 WQC?	No	No	No	Maybe, contact CWB	Yes, per U.S. Code, Chapter 5, Section 551 and HAR 11-54	Yes, per 33 CFR 336.1