DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
230 OTAKE STREET, CEPOH-RO
FORT SHAFTER, HAWAII 96858-5440

June 18, 2025

Regulatory Branch

Reference: 2026 Nationwide Permits
401 Water Quality Certification
(Request for Certification)

Mr. Reef Migita
State of Hawaii
Department of Health, Clean Water Branch
2827 Waimano Home Road #225
Pearl City, Hawaii 96782
reef.migita@doh.hawaii.gov

Dear Mr. Migita:

The U.S. Army Corps of Engineers (Corps) is preparing to reissue its existing Nationwide Permits (NWPs) and associated general conditions and definitions. The proposed rule for reissuing the NWPs was published in the Federal Register June 18, 2025. The Corps is proposing to reissue most of the NWPs without changes. The NWP Federal Register Notice (FRN) is located at: https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits.

Under Section 401 of the Clean Water Act (CWA), an activity which may result in a discharge into waters of the U.S. that is authorized by a Federal permit must receive a CWA Section 401 Water Quality Certification (WQC), or waiver, from the appropriate certifying authority. This process allows the certifying authority an opportunity to ensure that any discharge will comply with applicable water quality requirements.

In accordance with 40 CFR 121.5, this letter and its attachments serve as the request for certification. As required in 40 CFR 121.5(a)(2) the FRN includes readily available water quality-related materials that informed the development of the NWPs.

Information required in a certification request to the certifying authority, as defined at 40 CFR 121.5(d), is in the FRN, except for 40 CFR 121.5(b)(7) documentation that a pre-filing meeting request was submitted. The Corps submitted the pre-filing meeting request to the State of Hawaii Department of Health, Clean Water Branch (DOH-CWB) on May 9, 2025, as shown in the attachment.

The date of this letter serves as the date on which the reasonable period of time begins running. The reasonable period of time for certifying authorities to act on the

proposed NWPs reissuance is six months, in accordance with 40 CFR 121.6. This provides a consistent reasonable period of time for all certifying authorities. The reasonable period of time ends on December 18, 2025. Certifying authorities can act on the certification request for the proposed NWPs in less time if they choose to do so.

The proposed categories of activities to be authorized by the NWPs for which certification is requested are described in the text of the proposed NWPs. Nationwide permits numbered 15, 16, 17, 18, 21, 25, 29, 30, 34, 39, 40, 41, 42, 43, 46, 49, 50, and 59 would authorize activities that may result in discharges and therefore 401 water quality certification is required for those NWPs. Nationwide permits numbered 3, 4, 5, 6, 7, 12, 13, 14, 19, 20, 22, 23, 27, 31, 32, 33, 36, 37, 38, 44, 45, 48, 51, 52, 53, 54, 57, 58, and A would authorize various activities, some of which may result in a discharge and require 401 water quality certification, and others which may not. In the opinion of the Corps, Nationwide permits numbered 1, 2, 9, 10, 11, 24, 28, 35, and 55 could not reasonably be expected to result in a discharge into waters of the United States and we do not deem certification to be necessary for this group of NWPs. However, the final decision of whether certification is needed for any of these nine types of activities rests with the certifying authority. Additionally, NWP 8 only authorizes activities seaward of the territorial seas and therefore does not require water quality certification.

Please find attached a list of NWPs verified under the 2021 NWPs, that you may find helpful in making your decision. We have also provided a document on the estimated annual use of the 2026 proposed NWPs based on this data.

The Honolulu District is proposing regional conditions for the proposed NWPs. Enclosed is a copy of the Honolulu District's public notice inviting public comment on the proposed regional conditions. Note that the proposed REGIONAL CONDITION 1 – Revoked Permits continues to revoke the usage of NWPs 21 (Surface Coal Mining Activities, NWP 24 (Indian Tribe or State Administered Section 404 Programs), NWP 30 (Moist Soil Management for Wildlife), NWP 34 (Cranberry Production Activities), NWP 44 (Mining Activities), NWP 40 (Coal Mining Activities), NWP 50 (Underground Coal Mining Activities) and NWP 52 (Water-Based Renewable Energy Generation Pilot Projects) with the Honolulu District Area of Responsibility.

We note that the Environmental Protection Agency regulations implementing Section 401 have changed since the Corps last requested water quality certification for the reissuance of the NWPs in 2020. While the new regulations at 40 CFR 121 allow for the modification of a grant of certification upon the mutual agreement of the certifying authority and the Corps, conditions or other language that reserve the unilateral right of the certifying authority to modify or retract a certification are not allowed and may result in the Corps declining to rely on blanket certifications that contain such language.

In accordance with the Corps' regulations at 33 CFR 330.4(c), if you deny water quality certification for certain activities authorized by the proposed NWPs within the state of Hawaii, then the Corps will deny without prejudice authorization for those activities. Anyone wanting to perform such activities must first obtain an activity-specific water quality certification or waiver thereof from your office before proceeding under the NWP.

Thank you for your attention regarding this matter. The Corps looks forward to working with DOH-CWB throughout the water quality certification process for the proposed NWP. If you have any questions regarding this request, please feel free to contact me by telephone at (808) 835-4300 or by email at: Jennifer.L.Martin@usace.army.mil.

Sincerely,

Jen Martin
Chief, Regulatory Branch

Enclosures

US Army Corps of Engineers®

PUBLIC NOTICE

Published: June 18, 2025

Honolulu District

Nationwide Permits Reissuance Request for Comments

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS
Deadline July 18, 2025

HONOLULU DISTRICT REGIONAL CONDITIONS REQUEST FOR COMMENTS
Deadline August 2, 2025

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWPs) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWPs:
The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2025-0002 at **www.regulations.gov**, or by email to **2026nationwidepermits@usace.army.mil** or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025, Federal Register notice. Comments on the proposed NWPs are due by **July 18, 2025**.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning:
Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse

environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Pacific Ocean Division, Honolulu District Area of Responsibility for the state of Hawaii, including the Northwestern Hawaiian Islands, the territories of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), and the following U.S. Minor Outlying Islands: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Island.

The Honolulu District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in the Honolulu District. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to: U.S. Army Corps of Engineers, Honolulu District Regulatory Office, ATTN: Jen Martin, CEPOH-RO, 230 Otake Street, Fort Shafter, Hawaii 96858-5540 or via email at CEPOH-RO@usace.army.mil. Comments relating to regional conditions are due by **August 2, 2025**. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Division Commander.

401 Water Quality Certification and Coastal Zone Management Act:
States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWPs. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWPs.

Draft Decision Documents:
Draft decision documents for each of the proposed NWPs, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWPs with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWPs, are available for viewing at **www.regulations.gov**, docket number COE-2025-0002. Final decision documents will be prepared for the NWPs that are issued.

Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at **https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/**, at **www.regulations.gov** in docket number COE-2025-0002, or at the following Federal Register address:
https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits.

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ENCLOSURE 1

HONOLULU DISTRICT PROPOSED REGIONAL CONDITIONS for the PROPOSED 2026 NATIONWIDE PERMITS (NWP)

The Honolulu District Regulatory Office has issued the following Regional Conditions to ensure that activities authorized by NWPs in the Honolulu District cause no more than minimal adverse environmental effects, individually and cumulatively. Before the Honolulu District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

APPLICABILITY: The Honolulu District's Area of Responsibility (AOR) consists of the state of Hawaii, including the Northwestern Hawaiian Islands, the territories of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), and the following U.S. Minor Outlying Islands: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Island.

RESTRICTIONS:

REGIONAL CONDITION 1 – Revoked Permits

The following NWPs are revoked within the Honolulu District's AOR:

- NWP 21 - Surface Coal Mining Activities
- NWP 24 - Indian Tribe or State Administered Section 404 Programs
- NWP 30 – Moist Soil Management for Wildlife
- NWP 34 - Cranberry Production Activities
- NWP 44 - Mining Activities
- NWP 49 - Coal Remining Activities
- NWP 50 - Underground Coal Mining Activities
- NWP 52 - Water-Based Renewable Energy Generation Pilot Projects

REGIONAL CONDITION 2 – Acreage Limit

The maximum acreage of permanent loss to special aquatic sites for a new project (excludes NWP 3 and NWP 27 activities) may not exceed 0.10-acre resulting from any discharge of dredged or fill material. Special aquatic sites include wetlands, coral reefs, riffle and pool complexes, vegetated shallows, mud flats, sanctuaries and refuges as defined in 40 CFR 230.3.

CONDITIONS APPLICABLE TO CERTAIN ACTIVITIES:

REGIONAL CONDITION 3 - Revegetation

Native plants appropriate for current site conditions must be used for re-vegetation for the purposes of restoring areas temporarily disturbed by the authorized work.

REGIONAL CONDITION 4 – Bank and Shoreline Stabilization Activities

a. For new bank stabilization projects in streams with vegetated slopes and/or natural bed and bank, vegetative and environmentally sensitive stabilization practices must be used whenever practicable. Documentation of consideration of environmentally sensitive bank stabilization practices must be included in the Pre-Construction Notification (PCN) to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable given site-specific circumstances. Environmentally sensitive stabilization techniques incorporate organic materials

to produce functional structure, provide wildlife habitat, and/or provide areas for re-vegetation. Examples of environmentally sensitive bank stabilization practices include, but are not limited to, the use of the following: adequately sized armoring keyed into the toe of the slope with native plantings, or other suitable vegetation, on the banks above; vegetated geogrids; coconut fiber coir logs; live woody vegetated cuttings; fascines or stumps; brush layering; soil lifts. In situations where the use of these stabilization techniques is not practicable (due to high stream flow velocities, for example) stream bank armoring should be designed to incorporate environmentally friendly natural features, if possible. Examples include vegetated gabions, vegetated gabion mattresses, live crib walls and joint plantings.

b. For new shoreline stabilization projects, environmentally sensitive designs that provide wave dissipation, interstitial spaces for fish, crustacean and invertebrate habitat, and other environmental benefits must be used whenever practicable. Documentation of consideration of environmentally sensitive shoreline stabilization practices must be included in the PCN to demonstrate whether the use of environmentally sensitive stabilization techniques is practicable.

REGIONAL CONDITION 5 – Stream Modifications
Stream channelization and/or streambed hardening are not authorized under any NWP.

CONDITIONS APPLICABLE TO ALL ACTIVITIES:

REGIONAL CONDITION 6 – NWP Verification and PCN Requirement
A written NWP verification must be obtained from the Corps prior to conducting any activity authorized by a NWP (excludes NWPs listed in Regional Condition 1). To obtain a NWP verification, all prospective permittees must submit a written PCN to the Corps that meets NWP General Condition (GC) #32, in addition to demonstrating compliance with GC #18, GC #20, and the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Management and Conservation Act.

Nationwide Permits, Conditions, Further Information, and Definitions

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3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Oil or Natural Gas Pipeline Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic ~~Habitat~~Ecosystem Restoration, Enhancement, and Establishment~~, and Enhancement~~ Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation

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Nationwide Permits

1. Aids to Navigation. The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). (Authority: Section 10 of the Rivers and Harbors Act of 1899 (Section 10))

2. Structures in Artificial Canals. Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Authority: Section 10)

3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or

replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. 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 conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to

commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities. Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Authorities: Sections 10 and 404)

5. Scientific Measurement Devices. Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge of dredged or fill material is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Authorities: Sections 10 and 404)

6. Survey Activities. Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge of dredged or fill material does not exceed 1/10-acre in waters of the U.S.

Discharges of dredged or fill material and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under Section 402 of the Clean Water Act. (Authorities: Sections 10 and 404)

7. Outfall Structures and Associated Intake Structures. Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP unless they are directly associated with an authorized outfall structure.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

8. Oil and Gas Structures on the Outer Continental Shelf. Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(l). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(l) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps-designated dredged material disposal areas.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 10)

9. Structures in Fleeting and Anchorage Areas. Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of

vessels where such areas have been established for that purpose. (Authority: Section 10)

10. Mooring Buoys. Non-commercial, single-boat, mooring buoys. (Authority: Section 10)

11. Temporary Recreational Structures. Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually. (Authority: Section 10)

12. Oil or Natural Gas Pipeline Activities. Activities required for the construction, maintenance, repair, and removal of oil and natural gas pipelines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Oil or natural gas pipelines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of oil and natural gas pipelines. There must be no change in pre-construction contours of waters of the United States. An “oil or natural gas pipeline” is defined as any pipe or pipeline for the transportation of any form of oil or natural gas, including products derived from oil or natural gas, such as gasoline, jet fuel, diesel fuel. heating oil, petrochemical feedstocks, waxes, lubricating oils, and asphalt.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Oil or natural gas pipeline substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities (e.g., oil or natural gas or gaseous fuel custody transfer stations, boosting stations, compression stations,

metering stations, pressure regulating stations) associated with an oil or natural gas pipeline in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground oil or natural gas pipelines: This NWP authorizes the construction or maintenance of foundations for above-ground oil or natural gas pipelines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of oil or natural gas pipelines, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize oil or natural gas pipelines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Oil or natural gas pipelines routed in, over, or under section 10 waters without a discharge of dredged or fill material may require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing oil or natural gas pipelines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling

activities conducted for the purpose of installing or replacing oil or natural gas pipelines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the oil or natural gas pipeline activity. 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 pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States; or (3) the proposed oil or natural gas pipeline activity is associated with an overall project that is greater than 250 miles in length and the project purpose is to install new pipeline (vs. conduct repair or maintenance activities) along the majority of the distance of the overall project length. If the proposed oil or gas pipeline is greater than 250 miles in length, the pre-construction notification must include the locations and proposed impacts (in acres or other appropriate unit of measure) for all crossings of waters of the United States that require DA authorization, including those crossings authorized by an NWP would not otherwise require pre-construction notification. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where ~~the oil~~structures or ~~natural gas pipeline is constructed, installed, or maintained~~work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the ~~NWP verification will be sent by the Corps~~'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), ~~for charting the oil or natural gas pipeline to protect navigation~~to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For oil or natural gas pipeline activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and

complete project for purposes of NWP authorization. Oil or natural gas pipeline activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the oil or natural gas pipeline must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such oil or natural gas pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes oil or natural gas pipeline maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

13. Bank Stabilization. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);

(c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;

(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas);

(g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;

(h) The activity is not a stream channelization activity; and

(i) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization.

This NWP authorizes discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States to incorporate nature-based solutions into new and existing bank stabilization activities to provide habitat and other ecosystem functions and services and to reduce adverse effects of bank stabilization activities on the aquatic environment. Examples of nature-based solutions for bank stabilization activities include the use of construction materials for seawalls and bulkheads that have textured surfaces, crevices, shelves, benches, and pits that support attachment and growth of benthic organisms; the construction of rock pools next to the bank stabilization activity; the construction of small pocket beaches next to the bank stabilization activity; the use of various sizes of rock for revetments to provide different sizes of spaces between rocks for habitat for various species of organisms; the placement of rock clusters next to a seawall or bulkhead; the placement of large wood next to seawalls, bulkheads, and revetments; and the placement of bags of molluscs or the placement of small reef structures to provide habitat for molluscs and other sessile aquatic organisms next to a seawall, bulkhead, or revetment.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. 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 pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges of dredged or fill material into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of dredged or fill material of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: In coastal waters and the Great Lakes, living shorelines may be an appropriate option for bank stabilization, and may be authorized by NWP 54.

Note 2: Under 33 CFR 320.4(g)(2), a landowner has the general right to protect his or her property from erosion, and the district engineer can provide general guidance to the landowner regarding possible alternative methods of protecting his or her property. Permittees are encouraged to use soft bank stabilization approaches (e.g., bioengineering, vegetative stabilization) at sites where those methods are likely to be effective in managing erosion, such as sites where shorelines and banks are subject to moderate to low erosive forces. However, hard bank stabilization activities (e.g., seawalls, bulkheads, revetments, riprap) may be necessary at sites where shorelines and banks are subject to strong erosive forces. An appropriate and effective approach to managing shoreline or bank erosion at a specific site requires consideration of a variety of factors, including but not limited to: bank height; bank condition; the energy of tides, waves, currents, or other water flows that the bank is exposed to; fetch; nearshore water depths; the potential for storm surges; sediment or substrate type; tidal range in waters subject to the ebb and flow of tides; shoreline configuration and orientation; the width of the waterway; and whether there is infrastructure in the vicinity of the proposed bank stabilization activity that needs to be protected and the degree of protection needed.

14. Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. 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. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

15. U.S. Coast Guard Approved Bridges. Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under the General Bridge Act of 1946, Section 9 of the Rivers and Harbors Act of 1899, or other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate Clean Water Act Section 404 permit. (Authority: Section 404 of the Clean Water Act (Section 404))

16. Return Water From Upland Contained Disposal Areas. Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the Clean Water Act Section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

17. Hydropower Projects. Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 10,000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

18. Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

(a) The quantity of discharged dredged or fill material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge of dredged or fill material will not cause the loss of more than 1/10-acre of waters of the United States; and

(c) The discharge of dredged or fill material is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the discharge of dredged or fill material or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge of dredged or fill material is in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

19. Minor Dredging. Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. (Authorities: Sections 10 and 404)

20. Response Operations for Oil or Hazardous Substances. Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Authorities: Sections 10 and 404)

21. Surface Coal Mining Activities. Discharges of dredged or fill material into waters of the United States associated with surface coal mining and reclamation operations, provided the following criteria are met:

(a) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement;

(b) The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into tidal waters or non-tidal wetlands adjacent to tidal waters; and

(c) The discharge is not associated with the construction of valley fills. A "valley fill" is a fill structure that is typically constructed within valleys associated with steep, mountainous terrain, associated with surface coal mining activities.

Notification: The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.) (Authorities: Sections 10 and 404)

22. Removal of Vessels. Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the vessel is listed or eligible for listing in the National Register of Historic Places; or (2) the activity is conducted in a special aquatic site, including coral reefs and wetlands. (See general condition 32.) If the vessel is listed or eligible for listing in the National Register of Historic Places, the permittee cannot commence the activity until informed by the district engineer that compliance with the "Historic Properties" general condition is completed. (Authorities: Sections 10 and 404)

Note 1: Intentional ocean disposal of vessels at sea requires a permit from the U.S. EPA under the Marine Protection, Research and Sanctuaries Act, which specifies that ocean disposal should only be pursued when land-based alternatives are not available. If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.

Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the possibility that shipwrecks may be historic properties.

23. Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to ~~the Council on Environmental Quality's implementing regulations for~~Section 106, 109, and 111(1) of the National Environmental Policy Act ~~(40 CFR part 1500 et seq.),~~ that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because

it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letter(s) (Authorities: Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: the Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07. Any changes to approved categorical exclusions applicable to this NWP will be announced in Regulatory Guidance Letters and posted on this same web site.

24. Indian Tribe or State Administered Section 404 Programs. Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Authority: Section 10)

Note 1: As of the date of the promulgation of this NWP, only ~~Florida,~~ New Jersey and Michigan administer their own Clean Water Act Section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State Clean Water Act Section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Pub. L. 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

25. Structural Discharges. Discharges of dredged or fill material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

27. Aquatic ~~Habitat~~Ecosystem Restoration, Enhancement, and Establishment Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal rivers and streams and their riparian areas, the restoration and enhancement of other non-tidal open waters, and the ~~rehabilitation or~~restoration and enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic ~~resource~~ecosystem functions and services.

To be authorized by this NWP, the aquatic ~~habitat~~ecosystem restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in an aquatic ~~habitat~~ecosystem that resembles an ecological reference~~.~~ (i.e., a natural ecosystem). An ecological reference may be based on the characteristics of ~~one or more intact~~ aquatic ~~habitats~~ecosystems or riparian areas ~~of the same type~~ that currently exist in the region~~.~~, or the characteristics of aquatic ecosystems or riparian area that existed in the region in the past. Ecological references include cultural ecosystems, which are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship for vegetation management). An ecological reference may also be based on ~~a conceptual model developed from~~ regional ecological knowledge, including indigenous and local ecological knowledge, of the target aquatic ~~habitat~~ecosystem type ~~or riparian area.~~

~~To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to the removal of accumulated sediments; releases of sediment from reservoirs to maintain sediment transport continuity to restore downstream habitats; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged~~ or ~~fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms are removed; the installation of current deflectors; the enhancement, rehabilitation, or re- establishment of riffle and pool~~

~~stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re- establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; coral restoration or relocation activities; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re- establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities.~~ riparian area. ~~Only native plant species should be planted at the site.~~

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic ~~resource~~ecosystem functions and services.

This NWP does not authorize: (1) dam removal activities; (2) stream channelization activities; and (3) the conversion of tidal wetlands to open water impoundments and other aquatic uses.

Only native plant species should be planted at the site. ~~Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.~~

Compensatory mitigation is not required for activities authorized by this NWP ~~since~~because these activities must result in net increases in aquatic ~~resource~~ecosystem functions and services.

Reversion. For ~~enhancement,~~aquatic ecosystem restoration, enhancement, and establishment activities conducted: (1) In accordance with the terms and

conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), Bureau of Land Management (BLM), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge of dredged or fill material occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity, the permittee or the appropriate federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory Program requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic ~~resource~~ecosystem functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. ~~For those activities that do not require pre-construction notification, the~~ The permittee must submit a report containing information on the proposed

aquatic ecosystem restoration, enhancement, and establishment activity to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP. The report must include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Information on baseline ecological conditions at the project site, including a general description and map of aquatic and terrestrial habitat types on that site. The map of existing aquatic and terrestrial habitat types and their approximate boundaries on the project site should be based on recent aerial imagery or similar information, and verified with photo points or other field-based data points for each mapped habitat type;

(4) A sketch of the proposed project elements of the NWP 27 activity drawn over a copy of~~: (1~~ the map of existing aquatic and terrestrial habitat types on the project site;

(5) A description of the techniques or mechanisms that are proposed to be used to increase aquatic ecosystem functions and services on the project site, and if applicable;

(6) A copy of: (a) the binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement~~, or a project description, including project plans and location map; (2~~ with the FWS, NRCS, FSA, NMFS, NOS, USFS, BLM, or their designated state cooperating agencies; (b) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (~~3~~c) the SMCRA permit issued by OSMRE or the applicable state agency. ~~The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.~~

~~Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 32), except for the following activities:~~

~~(1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or~~

~~restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;~~

~~(2) Activities conducted in accordance with the terms and conditions of a binding coral restoration or relocation agreement between the project proponent and the NMFS or any of its designated state cooperating agencies;~~

~~(3) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or~~

~~(4) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.~~

~~However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement.~~ (Authorities: Sections 10 and 404)

Note 1: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

Note 2: If an activity authorized by this NWP requires a PCN because of an NWP general condition (e.g., NWP general condition 18, endangered species) or a regional condition imposed by a division engineer, the information required by paragraph (3) of the Reporting requirement substitutes for the delineation of waters, wetlands, and other special aquatic sites required by paragraph (b)(5) of general condition 32.

28. Modifications of Existing Marinas. Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Authority: Section 10)

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or

residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

30. Moist Soil Management for Wildlife. Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site-specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Authority: Section 404)

Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

31. Maintenance of Existing Flood Control Facilities. Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels that: (i) were previously authorized by the Corps by individual

permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-Federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the "maintenance baseline," as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged and excavated material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used.

Maintenance Baseline: The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the adverse environmental impacts caused by the maintenance activities are no more than minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner. A flood

control facility will not be considered abandoned if the prospective permittee is in the process of obtaining other authorizations or approvals required for maintenance activities and is experiencing delays in obtaining those authorizations or approvals.

Mitigation: The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental effects are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline (see Note, below). In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require mitigation and/or best management practices as appropriate.

Emergency Situations: In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 32). The pre-construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The pre-construction notification must include a description of the maintenance baseline and the disposal site for dredged or excavated material. (Authorities: Sections 10 and 404)

Note: If the maintenance baseline was approved by the district engineer under a prior version of NWP 31, and the district engineer imposed the one-time compensatory mitigation requirement on maintenance for a specific reach of a flood control project authorized by that prior version of NWP 31, during the period this version of NWP 31 is in effect, the district engineer will not require additional compensatory mitigation for maintenance activities authorized by this NWP in that specific reach of the flood control project.

32. Completed Enforcement Actions. Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

(i) The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of Section 404 of the Clean Water Act, provided that:

(a) The activities authorized by this NWP cannot adversely affect more than 5 acres of non-tidal waters or 1 acre of tidal waters;

(b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and

(c) The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the settlement agreement, including a specified completion date; or

(ii) The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or

(iii) The terms of a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, Section 312 of the National Marine Sanctuaries Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required.

Compliance is a condition of the NWP itself; non-compliance of the terms and conditions of an NWP 32 authorization may result in an additional enforcement action (e.g., a Class I civil administrative penalty). Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit. Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6(d)(2) and (e). (Authorities: Sections 10 and 404)

33. Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges of dredged or fill material, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Authorities: Sections 10 and 404)

34. Cranberry Production Activities. Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing

cranberry production operations. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing, must not exceed 10 acres of waters of the United States, including wetlands. The activity must not result in a net loss of wetland acreage. This NWP does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this NWP, the cumulative total of 10 acres will be measured over the period that this NWP is valid.

Notification: The permittee must submit a pre-construction notification to the district engineer once during the period that this NWP is valid, and the NWP will then authorize discharges of dredge or fill material at an existing operation for the permit term, provided the 10-acre limit is not exceeded. (See general condition 32.) (Authority: Section 404)

35. Maintenance Dredging of Existing Basins. The removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used for the disposal site. (Authority: Section 10)

36. Boat Ramps. Activities required for the construction, repair, or replacement of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge of dredged or fill material into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge of dredged or fill material into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 32.) (Authorities: Sections 10 and 404)

37. Emergency Watershed Protection and Rehabilitation. Work done by or funded by:

(a) The Natural Resources Conservation Service for a situation requiring immediate action under its emergency Watershed Protection Program (7 CFR part 624);

(b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);

(c) The Department of the Interior for wildland fire management burned area emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);

(d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR subchapter R), where the activity does not involve coal extraction; or

(e) The Farm Service Agency under its Emergency Conservation Program (7 CFR part 701).

In general, the permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation

activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Notification: Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). (Authorities: Sections 10 and 404)

38. Cleanup of Hazardous and Toxic Waste. Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

40. Agricultural Activities. Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds.

This NWP also authorizes discharges of dredged or fill material into non-tidal jurisdictional waters of the United States to relocate existing serviceable drainage ditches constructed in non-tidal streams.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

Note: Some discharges of dredged or fill material into waters of the United States for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This NWP authorizes the construction of farm ponds that do not qualify for the Clean Water Act section 404(f)(1)(C) exemption because of the recapture provision at section 404(f)(2).

41. Reshaping Existing Drainage and Irrigation Ditches. Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage and irrigation ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage or irrigation ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the drainage ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the drainage ditch as originally constructed (i.e., the capacity of the drainage ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This NWP does not authorize the relocation of drainage or irrigation ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage or irrigation ditch must be approximately the same as the location of the centerline of the original drainage or irrigation ditch. This NWP does not authorize stream channelization or stream relocation projects. (Authority: Section 404)

42. Recreational Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

43. Stormwater Management Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention

basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of ~~low impact development integrated management features~~ nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. Examples of such ~~as~~ nature-based solutions include, but are not limited to, stream biofilters, bioretention ~~facilities (e.g., ponds or swales,~~ rain gardens~~),~~, vegetated filter strips, ~~grassed~~vegetated swales~~, and~~ (bioswales), constructed wetlands, infiltration trenches~~; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters, such as features needed~~, and regenerative stormwater conveyances, as well as other nature-based solutions and other features that are conducted to meet reduction targets established under Total Maximum Daily Loads set under the Clean Water Act.

This NWP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, ~~low impact development integrated management features,~~ and ~~pollutant reduction green infrastructure features.~~nature-based solutions for managing stormwater and reducing inputs of sediments, nutrients, and other pollutants into waters. The maintenance of stormwater management facilities~~, low impact development integrated management features, and pollutant reduction green infrastructure features~~ and nature-based solutions that ~~are~~do not contain waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For discharges of dredged or fill material into non-tidal waters of the United States for the construction of new stormwater management facilities or ~~pollutant reduction green infrastructure features~~nature-based solutions, or the expansion of existing stormwater management facilities or ~~pollutant reduction green infrastructure features~~nature-based solutions, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or ~~pollutant reduction green infrastructure feature.~~nature-based solution. (Authority: Section 404)

44. Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria:

(a) For mining activities involving discharges of dredged or fill material into non-tidal jurisdictional wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal jurisdictional wetlands;

(b) For mining activities involving discharges of dredged or fill material in non-tidal jurisdictional open waters (e.g., rivers, streams, lakes, and ponds) or work in non-tidal navigable waters of the United States (i.e., section 10 waters), the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and

(c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre.

This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404)

45. Repair of Uplands Damaged by Discrete Events. This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12-month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Authorities: Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a Clean Water Act Section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

46. Discharges in Ditches. Discharges of dredged or fill material into non-tidal ditches that are (1) constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge of dredged or fill material must not cause the loss of greater than one acre of waters of the United States.

This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

48. Commercial Shellfish Mariculture Activities. Structures or work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States necessary for new and continuing commercial shellfish mariculture operations (i.e., the cultivation of bivalve molluscs such as oysters,

mussels, clams, and scallops) in authorized project areas. For the purposes of this NWP, the 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. This NWP does not authorize structures or work in navigable waters of the United States or discharges of dredged or fill material into waters of the United States within Washington State.

This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.

This NWP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;

(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or

(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

Notification: The permittee must submit a pre-construction notification to the district engineer if the activity directly affects more than 1/2-acre of submerged aquatic vegetation. If the operator will be conducting commercial shellfish mariculture activities in multiple contiguous project areas, he or she can either submit one PCN for those contiguous project areas or submit a separate PCN for each project area. (See general condition 32.) (Authorities: Sections 10 and 404)

~~Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.~~

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction.

The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

49. Coal Remining Activities. Discharges of dredged or fill material into non-tidal waters of the United States associated with the remining and reclamation of lands that were previously mined for coal. The activities must already be authorized, or they must currently be in process by the Department of the Interior Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title IV or Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Areas previously mined include reclaimed mine sites, abandoned mine land areas, or lands under bond forfeiture contracts.

As part of the project, the permittee may conduct new coal mining activities in conjunction with the remining activities when he or she clearly demonstrates to the district engineer that the overall mining plan will result in a net increase in aquatic resource functions. The Corps will consider the SMCRA agency's decision regarding the amount of currently undisturbed adjacent lands needed to facilitate the remining and reclamation of the previously mined area. The total area disturbed by new mining must not exceed 40 percent of the total acreage

covered by both the remined area and the additional area necessary to carry out the reclamation of the previously mined area.

Notification: The permittee must submit a pre-construction notification and a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

50. Underground Coal Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States associated with underground coal mining and reclamation operations provided the activities are authorized, or are currently being processed by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize coal preparation and processing activities outside of the mine site.

Notification: The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404)

51. Land-Based Renewable Energy Generation Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Electric utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by NWP 57 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove electric utility lines and/or road crossings, then NWP 57 and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs 57 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

52. Water-Based Renewable Energy Generation Pilot Projects. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this NWP, the term “pilot project” means an experimental project where the water-based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The discharge must not cause the loss of greater than 1/2-acre of waters of the United States. The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United

States is not a loss of waters of the United States for the purposes of applying the 1/2-acre limit.

For each single and complete project, no more than 10 generation units (e.g., wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2-acre in water surface area covered by the floating solar panels.

This NWP does not authorize activities in coral reefs. 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.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another NWP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is required.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Electric utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those electric utility lines may be authorized by NWP 57 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate review and/or approval from the Corps under 33 U.S.C. 408.

Note 3: ~~If the pilot project generation units, including any transmission lines,~~Where structures or work are ~~placed~~authorized in navigable waters of the

United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, ~~copies~~the permittee should provide a copy of the ~~NWP verification will be sent by~~ 'as-built drawings' and the ~~Corps~~geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration~~,~~ (NOAA), National Ocean Service~~, for charting the generation units and associated transmission line(s)~~ (NOS), to ~~protect navigation.~~inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under section 10 of the Rivers and Harbors Act of 1899.

Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 6: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

53. Removal of Low-Head Dams. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.

For the purposes of this NWP, the term "low-head dam" is generally defined as a dam or weir built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest and does not have a separate spillway or spillway gates, but it may have an uncontrolled spillway. The dam crest is the top of the dam from left abutment to right abutment. A low-head dam may have been built for a range of purposes (e.g., check dam, mill dam, irrigation, water supply,

recreation, hydroelectric, or cooling pond), but in all cases, it provides little or no storage function.

The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this NWP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure that the authorized activity results in no more than minimal adverse environmental effects.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. Nationwide permit 27 or other Department of the Army permits may authorize such activities. This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by NWP 13 or other Department of the Army permits.

54. Living Shorelines. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural "soft" elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures~~.~~, but a portion of a living shoreline may consist of an unvegetated cobble, gravel, and/or sand beach, (i.e., a pocket beach). The following conditions must be met:

(a) The structures and fill area, including cobble, gravel, and/or sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;

(c) Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;

(d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity and elevation, must be used if the site is planted by the permittee;

(e) Discharges of dredged or fill material into waters of the United States, and oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;

(f) If sills, breakwaters, or other structures must be constructed to protect fringe wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;

(g) The activity must be designed, constructed, and maintained so that it has no more than minimal adverse effects on water movement between the waterbody and the shore and the movement of aquatic organisms between the waterbody and the shore; and

(h) The living shoreline must be properly maintained, which may require periodic repair of sills, breakwaters, or reefs, or replacing cobble, gravel, and/or sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This NWP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions.

This NWP does not authorize beach nourishment or land reclamation activities.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the construction of the living shoreline. (See general condition 32.) The pre-construction notification must include a delineation of special aquatic sites (see paragraph (b)(4) of general condition 32). Pre-construction notification is not required for maintenance and repair activities for living shorelines unless required by applicable NWP general conditions or regional conditions. (Authorities: Sections 10 and 404)

Note: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by NWP 13.

55. Seaweed Mariculture Activities. Structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for seaweed mariculture activities. This NWP also authorizes structures for bivalve shellfish mariculture if shellfish production is a component of an integrated multi-trophic mariculture system (e.g., the production of seaweed and bivalve shellfish on the same structure or a nearby mariculture structure that is part of the single and complete project).

This NWP authorizes the installation of buoys, long-lines, floats, anchors, rafts, racks, and other similar structures into navigable waters of the United States. Rafts, racks and other floating structures must be securely anchored and clearly marked. To the maximum extent practicable, the permittee must remove these structures from navigable waters of the United States if they will no longer be used for seaweed mariculture activities or multi-trophic mariculture activities.

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.

This NWP does not authorize:

(a) 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; or

(b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.

Notification: The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.)

In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information: (1) a map showing the locations and dimensions of the structure(s); (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; and (3) general water depths in the project area(s) (a detailed survey is not required). No more than one pre-construction notification per structure or group of structures should be submitted for the seaweed mariculture operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP. (Authority: Section 10)

Note 1: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

~~Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.~~

~~Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.~~

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines “aquatic nuisance species” as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability

of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters."

Note 4: Where structures or work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the 'as-built drawings' and the geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

~~56. Finfish Mariculture Activities. Structures in marine and estuarine waters, including structures anchored to the seabed in waters overlying the outer continental shelf, for finfish mariculture activities. This NWP also authorizes structures for bivalve shellfish mariculture and/or seaweed mariculture if the structures for bivalve shellfish and/or seaweed production are a component of an integrated multi-trophic mariculture structure (e.g., the production of bivalve shellfish or seaweed on the structure used for finfish mariculture, or a nearby mariculture structure that is part of the single and complete project).~~

~~This NWP authorizes the installation of cages, net pens, anchors, floats, buoys, and other similar structures into navigable waters of the United States. Net pens, cages, and other floating structures must be securely anchored and clearly marked. To the maximum extent practicable, the permittee must remove these structures from navigable waters of the United States if they will no longer be used for finfish mariculture activities or multi-trophic mariculture activities.~~

~~This NWP does not authorize the construction of land-based fish hatcheries or other attendant features.~~

~~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.~~

~~This NWP does not authorize:~~

~~(a) 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; or~~

~~(b) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas.~~

~~Notification: The permittee must submit a pre-construction notification to the district engineer. (See general condition 32.)~~

~~In addition to the information required by paragraph (b) of general condition 32, the pre- construction notification must also include the following information: (1) a map showing the locations and dimensions of the structure(s); (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; and (3) general water depths in the project area(s) (a detailed survey is not required). No more than one pre-construction notification per structure or group of structures should be submitted for the finfish mariculture operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP. (Authority: Section 10)~~

~~Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the finfish mariculture activity.~~

~~Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.~~
~~Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters."~~

57. Electric Utility Line and Telecommunications Activities. Activities required for the construction, maintenance, repair, and removal of electric utility lines, telecommunication lines, and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Electric utility lines and telecommunication lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of electric utility lines and

telecommunication lines. There must be no change in pre-construction contours of waters of the United States. An “electric utility line and telecommunication line” is defined as any cable, line, fiber optic line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the electric utility line or telecommunication line crossing of each waterbody.

Electric utility line and telecommunications substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with an electric utility line or telecommunication line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead electric utility line or telecommunication line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead electric utility line or telecommunication line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of electric utility lines or telecommunication lines, including overhead lines and substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road

minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize electric utility lines or telecommunication lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Electric utility lines or telecommunication lines constructed over section 10 waters and electric utility lines or telecommunication lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing electric utility lines or telecommunication lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the electric utility line activity. 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 pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where ~~the electric utility line is constructed, installed,~~structures or ~~maintained~~work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the ~~NWP verification will be sent by~~ 'as-built drawings' and the geographic coordinate system used in the ~~Corps~~'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), ~~for charting the electric utility line~~to inform updates to ~~protect navigation.~~nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For electric utility line or telecommunications activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Electric utility line and telecommunications activities must comply with 33 CFR 330.6(d).

Note 3: Electric utility lines or telecommunication lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the electric utility line or telecommunication line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: This NWP authorizes electric utility line and telecommunication line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For overhead electric utility lines and telecommunication lines authorized by this NWP, a copy of the PCN and NWP verification will be provided by the Corps to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 7: For activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer

will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 8: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

58. Utility Line Activities for Water and Other Substances. Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity. Oil or natural gas pipeline activities or electric utility line and telecommunications activities may be authorized by NWPs 12 or 57, respectively. This NWP also authorizes associated utility line facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines for water and other substances, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose that is not oil, natural gas, or petrochemicals. Examples of activities authorized by this NWP include utility lines that convey water, sewage, stormwater, wastewater, brine, irrigation water, and industrial products that are not petrochemicals. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more

than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for above-ground utility lines: This NWP authorizes the construction or maintenance of foundations for above-ground utility lines in all waters of the United States, provided the foundations are the minimum size necessary.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (see 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-

soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. 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 pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) a section 10 permit is required; or (2) the discharge will result in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where ~~the utility line is constructed, installed,~~structures or ~~maintained~~work are authorized in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, the permittee should provide a copy of the ~~NWP verification will be sent by~~ 'as-built drawings' and the ~~Corps~~geographic coordinate system used in the 'as-built drawings' to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), ~~for charting the utility line to protect navigation.~~to inform updates to nautical charts and Coast Pilot corrections. The information should be transmitted via email to ocs.ndb@noaa.gov.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access

roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 4: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to the General Bridge Act of 1946. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 5: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 6: For activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Note 7: Where structures or work are proposed in navigable waters of the United States, project proponents should ensure they provide the location and dimensions of the proposed structures to the U.S. Coast Guard (USCG) prior to submittal of a Pre-Construction Notification, or prior to beginning construction. The USCG may assess potential navigation-related concerns associated with the location of proposed structures or work, and may inform project proponents of marking and lighting requirements necessary to comply with General Condition 1 (Navigation). For assistance identifying the appropriate USCG District or Sector Waterways Management Staff responsible for the area of the proposed work, contact USCG at CGWWM@uscg.mil.

59. Water reclamation and reuse facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, and maintenance of water reclamation and reuse facilities, including vegetated areas enhanced to improve water infiltration and constructed wetlands to improve water quality.

The discharge of dredged or fill material must not cause the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

This NWP also authorizes temporary fills, including the use of temporary mats, necessary to construct the water reuse project and attendant features. 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 pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

A. Activities to Improve Passage of Fish and Other Aquatic Organisms. Discharges of dredged or fill material into waters of the United States and structures and work in navigable waters of the United States for activities that restore or enhance the ability of fish and other aquatic organisms to move through aquatic ecosystems. Examples of activities that may be authorized by this NWP include, but are not limited to: the construction, maintenance, or expansion of conventional and nature-like fishways; the construction or expansion of fish bypass channels around existing in-stream structures; the replacement of existing culverts or low-water crossings with culverts planned, designed, and constructed to restore or enhance passage of fish and other aquatic organisms; the installation of fish screens to prevent fish and other aquatic organisms from being trapped or stranded in irrigation ditches and other features; the modification of existing in-stream structures, such as dams or weirs, to improve the ability of fish and other aquatic organisms to move past those structures.

The activity must not cause the loss of greater than one acre of waters of the United States.

This NWP does not authorize dam removal activities.

Notification: For activities resulting in the loss of greater than 1/10-acre of waters of the United States, the permittee must submit a pre-construction notification to

the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the

movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows~~.~~, including tidal flows. The activity must not restrict or impede the passage of normal or high flows, including tidal flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance. If mats are used to minimize soil disturbance, the affected areas must be returned to pre-construction elevations, and revegetated as appropriate. In circumstances where the use of mats has caused significant soil compaction efforts using techniques (e.g., soil reaeration techniques) to break up the compaction should be employed to return the soil to a pre-construction state prior to returning to pre-construction elevations.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. ~~See 50 CFR~~See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation.
~~402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."~~

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not

been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal ~~applicant~~permittee should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their ~~world wide~~ web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects ~~to~~on properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects ~~to~~on any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on ~~the~~ historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-federal applicant shall not begin the activity until

notified by the district engineer either that the activity has no potential to cause effects ~~to~~on historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district

engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the

adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, ~~since~~because streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation

bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost

waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed ~~discharge~~activity which may result in any discharge from a point source into waters of the United States must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by the certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed activity which may result in any discharge from a point source into waters of the United States in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed ~~discharge~~activity which may result in any discharge from a point source into waters of the United States is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge into waters of the United States, the permittee must submit a copy of the certification to the district engineer. The discharge into waters of the United States is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied (i.e., by the issuance of a water quality certification or a waiver~~.~~ and completion of the Section 401(a)(2) process).

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) The total acreage loss of waters of the United States for a single and complete project cannot exceed the acreage limit of the NWP with the highest specified acreage limit when multiple NWPs are used to authorize an activity.

(b) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States for that single and complete project cannot exceed ~~the acreage limit of the NWP with the highest~~that specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14~~,~~ (which has an acreage limit of 1/3 acre in tidal waters), with associated bank stabilization authorized by NWP 13~~,~~ (which does not have a specified acreage limit), the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(c) If ~~one~~two or more of the NWPs used to authorize the single and complete project ~~has~~have specified acreage limits, the acreage loss of waters of the United States authorized by each of those NWPs cannot exceed ~~their respective~~ the specified acreage limits~~.~~ of each of those NWPs. For example, if a commercial development is constructed under NWP 39~~,~~ (which as a 1/2-acre limit), and the single and complete project includes the filling of ~~an uplanda~~ ditch authorized by NWP 46~~,~~ (which has a 1-acre limit), the maximum acreage loss of waters of the United States for the construction of the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States ~~due to~~caused by the combination of the NWP 39 and NWP 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The ~~success~~successful completion of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective

permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of waters, wetlands, and other special aquatic sites~~, and other waters, such as lakes and ponds, and perennial and intermittent streams,~~ on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate. For

NWP 27 activities that require PCNs because of other general conditions or regional conditions imposed by division engineers, see Note 2 of that NWP;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the compensatory mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that

the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*: (1) The district engineer will consider any comments from federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in

cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases ~~of~~ where the prospective permittee is not a federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the single and complete crossings of waters of the United States that require PCNs to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by an NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP

activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add ~~case~~activity-specific ~~special~~ conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed NWP activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters. However, compensatory mitigation shall not be required for activities authorized by NWP 27 because those activities must result in net increases in aquatic resource functions and services (see the text of NWP 27). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal ~~in~~when determining whether the net adverse environmental effects of the proposed NWP activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the proposed activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure that the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district

engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed NWP activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN review period (unless additional time is required to comply with general conditions 16, 18, 20, and/or 31), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

Nationwide Permit Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic ~~habitat and riparian area~~ecosystem restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on: (1) the structure, functions, and dynamics of an aquatic ~~habitat~~ecosystem type or a riparian area type that currently exists in the region ~~where~~; (2) the ~~proposed NWP 27 activity is located. Alternatively,~~ structure, functions, and dynamics of an ~~ecological reference may be based on a conceptual model for the~~ aquatic ~~habitat~~ecosystem type or riparian area type that existed in the region in the past; and/or (3) indigenous and local ecological knowledge that apply to ~~be restored, enhanced, or established as a result of the proposed NWP 27 activity.~~the aquatic ecosystem type or riparian area type (i.e., a cultural ecosystem). Cultural ecosystems are ecosystems that have developed under the joint influence of natural processes and human management activities (e.g., fire stewardship). An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. The loss of stream bed includes the acres of stream bed that are permanently adversely affected by filling or excavation because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody.

The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters or wetlands for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Nature-based solutions: Actions to protect, sustainably manage, and restore natural or modified ecosystems, that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has surface water flowing continuously year-round during a typical year.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock ~~or~~, inorganic particles that range in size from clay to boulders. The substrate may also be comprised, in part, of organic matter, such as large or small wood fragments, leaves, algae, and other organic materials. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized jurisdictional stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under

normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a “water of the United States.” If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)).

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
230 OTAKE STREET, CEPOH-RO
FORT SHAFTER, HAWAII 96858-5440

May 9, 2025

Regulatory Branch

Reference: 2026 Nationwide Permits
401 Water Quality Certification
(Pre-Filing Meeting Request)

Mr. Reef Migita
State of Hawaii
Department of Health, Clean Water Branch
2827 Waimano Home Road #225
Pearl City, Hawaii 96782
reef.migita@doh.hawaii.gov

Dear Mr. Migita:

The U.S. Army Corps of Engineers (USACE) is preparing to reissue its existing Nationwide Permits (NWPs) and associated general conditions and definitions. USACE is currently planning to reissue most of the NWPs without changes. USACE is currently planning to propose modifications for a small number of NWPs. The proposed rule for reissuing the NWPs is expected to be published in the Federal Register upon completion of higher-level review, estimated time frame is a couple months. To meet USACE's schedule to reissue the NWPs, we are submitting this information now in the spirit of early coordination, and to request a pre-filing meeting. Because USACE is planning to propose reissuing most of the NWPs without changes, we are providing the attachment (Combined text of January 2021 and December 2021 Nationwide Permits.pdf) for the existing NWPs for pre-filing meeting consideration. Additional information regarding USACE's NWPs is located at: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/.

Under Section 401 of the Clean Water Act (CWA), an activity which may result in a discharge into waters of the U.S. that is authorized by a Federal permit must receive a CWA Section 401 Water Quality Certification (WQC), or waiver, from the appropriate certifying authority. This process allows the certifying authority an opportunity to ensure that any discharge will comply with applicable water quality requirements.

In accordance with 40 CFR 121.5, publication of the proposed NWPs in the Federal Register for a 60-day public comment period will serve as the request for certification. The date of the Federal Register Notice shall serve as the reasonable period of time begin date. The Honolulu District will send the State of Hawaii Department of Health, Clean Water Branch (DOH-CWB) notification when the proposed NWPs are published

in the Federal Register. The reasonable period of time for certifying authorities to act on the proposed NWPs reissuance will be six months, in accordance with 40 CFR 121.6, to provide a consistent reasonable period of time for all certifying authorities. Certifying authorities can act on the certification request for the proposed NWPs in less time if they choose to do so.

This letter serves as the Honolulu District's pre-filing meeting request, in accordance with 40 CFR 121.4, to discuss the proposed NWPs in advance of submitting a request for a general WQC for the proposed NWPs that may result in a discharge into waters of the United States. If DOH-CWB accepts this request for a pre-filing meeting, please send a response that identifies points-of-contact for the pre-filing meeting.

We note that the Environmental Protection Agency regulations implementing Section 401 have changed since USACE last requested water quality certification for the reissuance of the NWPs in 2020. While the new regulations allow for the modification of a grant of certification upon the mutual agreement of the certifying authority and USACE, conditions or other language that reserve the unilateral right of the certifying authority to modify or retract a certification are not allowed and may result in USACE declining to rely on blanket certifications that contains such language.

Thank you for your attention regarding this matter. USACE looks forward to working with DOH-CWB throughout the water quality certification process for the proposed NWP. If you have any questions regarding this request, please feel free to contact me by telephone at (808) 835-4300 or by email at: Jennifer.L.Martin@usace.army.mil.

Sincerely,

Jen Martin

Jen Martin
Chief, Regulatory Branch

Enclosure

Estimated Annual Use of Proposed 2026 Nationwide Permits that may Result in a Discharge into Waters of the United States – State of Hawaii

Nationwide Permit Number and Name	Statutory Authority	Estimated Number of Times to be Used per Year in Hawaii (2021 NWP usage over 4 years)*
NWP 1 – Aids to Navigation	10	1 (2)
NWP 2 – Structures in Artificial Canals	10	
NWP 3 – Maintenance	10/404	32 (128)
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	
NWP 5 – Scientific Measurement Devices	10/404	13 (52)
NWP 6 – Survey Activities	10/404	3 (9)
NWP 7 – Outfall Structures and Associated Intake Structures	10/404	
NWP 8 – Oil and Gas Structures on the Outer Continental Shelf	10	
NWP 9 – Structures in Fleeting and Anchorage Areas	10	9 (33)
NWP 10 – Mooring Buoys	10	9 (33)
NWP 11 – Temporary Recreational Structures	10	1 (3)
NWP 12 – Oil or Natural Gas Pipeline Activities	10/404	
NWP 13 – Bank Stabilization	10/404	4 (13)
NWP 14 – Linear Transportation Projects	10/404	3 (12)
NWP 15 – U.S. Coast Guard Approved Bridges	404	
NWP 16 – Return Water From Upland Contained Disposal Areas	404	1 (1)
NWP 17 – Hydropower Projects	404	
NWP 18 – Minor Discharges	10/404	1 (2)
NWP 19 – Minor Dredging	10/404	1 (1)
NWP 20 – Response Operations for Oil or Hazardous Substances	10/404	
NWP 21 – Surface Coal Mining Activities	10/404	Revoked
NWP 22 – Removal of Vessels	10/404	
NWP 23 – Approved Categorical Exclusions	10/404	
NWP 24 – Indian Tribe or State Administered Section 404 Program	10	Revoked
NWP 25 – Structural Discharges	404	
NWP 27 – Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities	10/404	2 (8)
NWP 28 – Modifications of Existing Marinas	10	
NWP 29 – Residential Developments	10/404	
NWP 30 – Moist Soil Management for Wildlife	404	Revoked
NWP 31 – Maintenance of Existing Flood Control Facilities	10/404	
NWP 32 – Completed Enforcement Actions	10/404	
NWP 33 – Temporary Construction, Access, and Dewatering	10/404	1 (3)
NWP 34 – Cranberry Production Activities	404	Revoked
NWP 35 – Maintenance Dredging of Existing Basins	10	2 (6)
NWP 36 – Boat Ramps	10/404	
NWP 37 – Emergency Watershed Protection and Rehabilitation	10/404	
NWP 38 – Cleanup of Hazardous and Toxic Waste	10/404	1 (1)
NWP 39 – Commercial and Institutional Developments	10/404	
NWP 40 – Agricultural Activities	404	
NWP 41 – Reshaping Existing Drainage and Irrigation Ditches	404	
NWP 42 – Recreational Facilities	404	

Nationwide Permit Number and Name	Statutory Authority	Estimated Number of Times to be Used per Year in Hawaii (2021 NWP usage over 4 years)*
NWP 43 – Stormwater Management Facilities	404	1 (1)
NWP 44 – Mining Activities	10/404	Revoked
NWP 45 – Repair of Uplands Damaged by Discrete Events	10/404	
NWP 46 – Discharges in Ditches	404	1 (1)
NWP 48 –Commercial Shellfish Mariculture Activities	10/404	
NWP 49 – Coal Remining Activities	10/404	Revoked
NWP 50 – Underground Coal Mining Activities	10/404	Revoked
NWP 51 – Land-Based Renewable Energy Generation Facilities	10/404	
NWP 52 – Water-Based Renewable Energy Generation Pilot Projects	10/404	Revoked
NWP 53 – Removal of Low-Head Dams	10/404	
NWP 54 – Living Shorelines	10/404	
NWP 55 – Seaweed Mariculture Activities	10	
NWP 57 – Electric Utility Line and Telecommunications Activities	10/404	4 (8)
NWP 58 – Utility Line Activities for Water and Other Substances	10/404	1 (2)
NWP 59 – Water Reclamation and Reuse Facilities	404	
NWP A – Activities to Improve the Passage of Fish and Other Aquatic Organisms	10/404	new NWP; no previous data

*Based on data ranging from March 15, 2021, through June 5, 2025

NWP Type	Project Name	Authority	Verification Date	State	Latitude	Longitude
NWP 1	State of Hawaii, Department of Transportation, Aid to Navigation, Keehi Lagoon, Honolulu, Island of C	Section 10	22-Aug-24	HI	21.31039	-157.90667
NWP 1	DARPA, Rapid Resilient Reefs, Kailua Bay, Kailua, Island of Oahu, HI	Section 10	17-Aug-24	HI	21.46083	-157.77051
	2					
NWP 3	NAVFAC, West Loch Jet Dock, JBPHH, Island of Oahu, HI	Section 10/404	27-Apr-21	HI	21.33422	-157.97295
NWP 3	East Maui Irrigation Co, Kaupakalua Dam Decommissioning, Maui, Haiku, HI	Section 404	9-Apr-21	HI	20.91302	-156.29446
NWP 3	DOT-Highways Kamehameha Highway Shoreline Revetment, Kualoa, Oahu, Hawaii	Section 10/404	25-Mar-21	HI	21.5254	-157.8348
NWP 3	NAVFAC Hawaii, COMPACFLT Boathouse Repair, Aiea Bay, JBPHH, Oahu, HI	Section 10	1-Apr-21	HI	21.37416	-157.9344
NWP 3	City & County of Honolulu, Laenani Beach Park Manhole Rehab, Pacific Ocean, Kahaluu, Oahu, HI	Section 404	16-Apr-21	HI	21.45995	-157.83198
NWP 3	Leeward Bikeway Project: Philippine Sea Road to Waipahu Depot Street	Section 10/404	16-Mar-21	HI	21.37889	-158.01063
NWP 3	DoT Emergency Coastal Road Repairs, Hanalei Bay, Kauai, HI	Section 10	26-Mar-21	HI	22.20569	-159.51549
NWP 3	County of Kauai, Department of Public Works, Maintenance of Waimea River Levee Gate A and Pump	Section 10/404	27-Jul-21	HI	21.95438	-159.6641
NWP 3	Kona Villages Fishpond Enhancement & Infrastructure Maintenance, Kona, Hawaii, HI	Section 10/404	7-Apr-21	HI	19.83115	-155.98376
NWP 3	Bock, Culvert Scour Pad, Haiku, Maui	Section 404	11-May-21	HI	20.90056	-156.30083
NWP 3	CCH DDC, Waialua Bridge Repair, Kiikii Stream, Waialua, Oahu, HI	Section 10/404	21-May-21	HI	21.57574	-158.12008
NWP 3	County of Maui, Kaupakalua Bridge Replacement, Kaupakalua Stream, Haiku, Maui, HI	Section 10/404	29-Jul-21	HI	20.91059	-156.29578
NWP 3	County of Hawaii DPW, Kolekole Stream Bridge Repair, Hilo, Island of Hawaii	Section 404	4-Apr-22	HI	19.87963	-155.12092
NWP 3	DOT-Highways, Revetment along Kam Highway, Kaaawa Elementary, Kaaawa, Oahu	Section 10/404	23-Nov-21	HI	21.54819	-157.84641
NWP 3	Koko Isle AOAO Board, Community Dock Replacement, 315 Koko Isle Circle, Honolulu, Island of Oah	Section 10	9-Aug-21	HI	21.28164	-157.70669
NWP 3	NAVFAC Hawaii, Repair of Submarine Power Cable in Upper Middle Loch	Section 10	25-Aug-21	HI	21.37384	-157.98628
NWP 3	CEU Honolulu U.S. Coast Guard, Riprap Repairs to Terminus of Wharf A, USCG Base, Honolulu Harbc	Section 10	8-Oct-21	HI	21.30502	-157.87115
NWP 3	DOBOR, Removal of Piles, Lahaina Harbor, Lahaina, Island of Maui, Hawaii	Section 10/404	23-Nov-21	HI	20.87128	-156.67825
NWP 3	County of Kauai, Dpt. Parks and Recreation, Hanalei River Boat Ramp Maintenance Dredging, Black F	Section 10	10-Mar-22	HI	22.21366	-159.49457
NWP 3	City and County of Honolulu, Ala-Moana Regional Park Improvements and Stabilization, Honolulu, Isl	Section 10/404	29-Sep-21	HI	21.28836	-157.84434
NWP 3	City and County of Honolulu, Emergency Bridge Repair, Anahulu Stream, Haleiwa, Oahu, Hawaii	Section 10/404	10-Jan-22	HI	21.59356	-158.10333
NWP 3	DLNR, 700 Block Front Street Pile Removal, Lahaina, Island of Maui, HI	Section 10	13-May-22	HI	20.8733	-156.67856
NWP 3	City and County of Honolulu, Bridge Replacement, Kalihi Stream, Honolulu, Oahu, HI	Section 404	16-Mar-23	HI	21.3647	-157.84169
NWP 3	NAVFAC, Ammunition Wharf Whiskey 2 Repairs, JBPHH, Island of Oahu, Hawaii	Section 10	21-Jan-22	HI	21.3529	-157.99868
NWP 3	HECO, Fuel Line Replacement, Kapakahi Stream, Waipahu, Oahu, Hawaii	Section 10	7-Dec-21	HI	21.38018	-158.00491
NWP 3	State of Hawaii, DOT Harbors Division, Catwalk B Removal, Radio Bay, Hilo, Island of Hawaii, HI	Section 10/404	21-Jan-22	HI	19.73136	-155.0532
NWP 3	Furuya Seawall, Pacific Ocean, Honolulu, Island of Oahu, Hawaii	Section 10/404	4-Apr-22	HI	21.27677	-157.75277
NWP 3	Board of Water Supply, Well Repair, Waihee Stream, Kaneohe, Oahu, HI	Section 404	20-Apr-22	HI	21.44317	-157.86679
NWP 3	County of Hawaii, Dpt. Public Works, Hanawi Stream Bridge Repairs, Hilo, Island of Hawaii, Hawaii	Section 404	11-Apr-22	HI	19.80446	-155.09347
NWP 3	Maui County, Front Street Seawall Repairs, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10/404	11-Mar-22	HI	20.8777	-156.68194
NWP 3	Maui County, Front Street Seawall Repairs, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	11-Mar-22	HI	20.8777	-156.68194
NWP 3	Maintenance of Halepalaoa Pier, Keomoku Road, Lanai City, HI	Section 10	8-Apr-22	HI	20.82989	-156.81094
NWP 3	City of Honolulu, Waihee Stream Bank Stabilization, Kahalu'u, Oahu, HI	Section 404	5-Apr-22	HI	21.45511	-157.84528
NWP 3	State of Hawaii, DOT Harbors Division, Catwalk B Removal, Radio Bay, Hilo, Island of Hawaii, HI	Section 10	19-Apr-22	HI	19.73136	-155.0532
NWP 3	DOT-Harbors, Revetment Repair, Sand Island, Honolulu, Island of Oahu, HI	Section 10/404	18-May-22	HI	21.29995	-157.86994
NWP 3	County of Maui, Waikakoi Bridge Abutment Repair, Hana, Island of Maui, Hawaii	Section 404	22-Apr-22	HI	20.68358	-156.02237
NWP 3	Muller. Pier Repair, Waimanalo, Island of Oahu, HI	Section 10/404	5-May-22	HI	21.32352	-157.67668
NWP 3	Hotel Pier Repairs, JBPHH, Oahu, HI	Section 10	4-Apr-22	HI	21.3646	-157.9424
NWP 3	NAVFAC, Ammunition Wharf Whiskey 2 Repairs, JBPHH, Island of Oahu, Hawaii	Section 10	26-Mar-22	HI	21.3529	-157.99868
NWP 3	CEU Honolulu U.S. Coast Guard, Riprap Repairs to Terminus of Wharf A, USCG Base, Honolulu Harbc	Section 10	1-Apr-22	HI	21.30502	-157.87115
NWP 3	HDOT-Highways, Nanue Stream Bridge Repair, Hilo, Hawaii Island, Hawaii	Section 404	5-Apr-22	HI	19.92494	-155.15889
NWP 3	County of Hawaii, DPW, Hakalau Bridge Repair, Kaahakini Stream, Hilo, Hawaii Island, Hawaii	Section 404	11-Apr-22	HI	19.8762	-155.14196

NWP 3	County of Hawaii, DPW, Opea Stream Bridge Repair, Hilo, Hawaii Island, Hawaii	Section 404	27-Apr-22	HI	19.92131	-155.15483
NWP 3	County of Hawaii, DPW, Paheehee Stream Bridge Repair, Hilo, Hawaii Island, Hawaii	Section 404	27-Apr-22	HI	19.8723	-155.11645
NWP 3	County of Hawaii, DPW, Maili Stream Bridge Repairs, Hilo, Island of Hawaii, Hawaii	Section 404	11-Apr-22	HI	19.74842	-155.12337
NWP 3	County of Kauai, Department of Public Works, Maintenance of Waimea River Levee Gate A and Pump	Section 10/404	30-Apr-22	HI	21.95438	-159.6641
NWP 3	County of Maui DPW, Replace Stream Revetment, TMK (2) 3-4-030: 888 Parcel C, Wailuku River, Wail	Section 404	14-Jun-22	HI	20.89551	-156.49956
NWP 3	CCH Stream Mouth Clearing, Kapakahi Stream, Honolulu, Oahu, HI	Section 10/404	1-Sep-22	HI	21.26917	-157.77694
NWP 3	CCH Stream Mouth Clearing, Muliwai Ditch, Honolulu, Oahu, HI	Section 10/404	1-Sep-22	HI	21.26703	-157.77881
NWP 3	CCH Stream Mouth Clearing, Hoana Opihi Ditch, Honolulu, Oahu, HI	Section 10/404	1-Sep-22	HI	21.27803	-157.74694
NWP 3	CCH Stream Mouth Clearing, Campbell Industrial Park East, Ewa, Oahu, HI	Section 10/404	1-Sep-22	HI	21.29544	-158.09811
NWP 3	CCH Stream Mouth Clearing, Campbell Industrial Park West, Ewa, Oahu, HI	Section 10/404	1-Sep-22	HI	21.29608	-158.10378
NWP 3	CCH Stream Mouth Clearing, Ewa Line Channel, Ewa, Oahu, HI	Section 10/404	1-Sep-22	HI	21.31041	-158.00555
NWP 3	CCH Stream Mouth Clearing, M-4 Maili Flood Control Channel, Waianae, Oahu, HI	Section 10/404	1-Sep-22	HI	21.40908	-158.17725
NWP 3	CCH Stream Mouth Clearing, Pokai Bay Road Ditch 1, Waianae, Oahu, HI	Section 10/404	1-Sep-22	HI	21.43961	-158.18811
NWP 3	CCH Stream Mouth Clearing, Pokai Bay Road Ditch 2, Waianae, Oahu, HI	Section 10/404	1-Sep-22	HI	21.43781	-158.18692
NWP 3	CCH Stream Mouth Clearing, Ulehawa Channel, Waianae, Oahu, HI	Section 10/404	1-Sep-22	HI	21.39211	-158.15758
NWP 3	County of Kauai, Kikiaola Harbor Outfall Maintenance, Kekaha, Island of Kauai, HI	Section 10	10-May-22	HI	21.95962	-159.69279
NWP 3	City & County of Honolulu, Laenani Beach Park Manhole Rehab, Pacific Ocean, Kahaluu, Oahu, HI	Section 404	15-Apr-22	HI	21.45995	-157.83198
NWP 3	Lokoea Fishpond, Haleiwa, Island of Oahu, HI	Section 10/404	19-Oct-22	HI	21.57097	-158.26579
NWP 3	CCH DDC, Waialua Bridge Repair, Kiikii Stream, Waialua, Oahu, HI	Section 404	14-Jun-22	HI	21.57574	-158.12008
NWP 3	Ko'olaupoko, Kawa Stream and Ditch Improvements, Kaneohe, Hawaii	Section 404	5-May-22	HI	21.4056	-157.7903
NWP 3	City and County of Honolulu, Maintenance Channel Repairs, mauka Farrington Highway Bridge, Waia	Section 10	2-Jun-22	HI	21.40914	-158.17658
NWP 3	CCH DDC, Install temporary cofferdams, Kamanaiki Stream, Kalihi Street, Honolulu, Island of Oahu,	Section 404	18-May-22	HI	21.34659	-157.86123
NWP 3	City and County of Maui, Emergency Road Repair, Opaepilau Stream, Haiku, Island of Maui, HI	Section 404	17-Nov-23	HI	20.90216	-156.289
NWP 3	CCH Stream Mouth Clearing, Niu Stream, Honolulu, Oahu, HI	Section 10/404	1-Sep-22	HI	21.28014	-157.73822
NWP 3	HDOT-Highways Wailua River Bridges Emergency Flood Repairs, Wailua, Kauai, HI	Section 10/404	20-Jul-22	HI	22.04514	-159.33646
NWP 3	Malama Huleia, Alekoko Fish Pond Restoration, Hule'ia River, Lihue, Island of Kauai, HI	Section 10/404	19-Jul-23	HI	21.94857	-159.37212
NWP 3	DOT-Highways, Revetment along Kam Highway, Kaaawa Elementary, Kaaawa, Oahu	Section 10/404	14-Jul-22	HI	21.54819	-157.84641
NWP 3	Russel Koehler, Pier Repair, Kaneohe, Island of Oahu, Hawaii	Section 10/404	22-Jul-22	HI	21.4289	-157.7927
NWP 3	HDOT, Maipalaoa Bridge Replacement, Maili Stream, Waianae, Island of Oahu, Hawaii	Section 10/404	9-Aug-22	HI	21.40932	-158.17717
NWP 3	C&C Maui, LLC, Removal of Accumulated Sediments & Bank Stabilization, Kulanihakoi Gulch, Kihei, I	Section 10/404	19-Oct-22	HI	20.7658	-156.45778
NWP 3	Kahana Sunset Condos Temporary Sandbag Repair for Seawall, Lahaina, Island of Maui, Hawaii	Section 10/404	30-Aug-22	HI	20.98481	-156.67215
NWP 3	CCH Channel Lining Maintenance, Waialae Nui Channel, Oahu, Hawaii	Section 404	24-Oct-22	HI	21.29248	-157.78174
NWP 3	County of Kauai, Wailua WWTP Ocean Outfall Maintenance, Pacific Ocean, Wailua, Island of Kauai, H	Section 10	26-Sep-22	HI	22.037	-159.3342
NWP 3	Honolulu County, Keolu Channel Repairs at 1461 Kanapuu Drive Flood Control Improvements	Section 404	17-Nov-22	HI	21.36837	-157.7378
NWP 3	Hawaii County, Bridge Maintenance, Ka'ie'ie Stream, Papaikou, Island of Hawai'i, Hawai'i	Section 404	23-Dec-22	HI	19.79501	-155.09403
NWP 3	IES Downstream, LLC, Pier Maintenance, 777 N Nimitz Highway, Honolulu Harbor, Honolulu, Island o	Section 10/404	18-May-23	HI	21.31126	-157.87399
NWP 3	Waikupanaha Street Box Culvert Emergency Repairs	Section 404	8-Dec-22	HI	21.34257	-157.73953
NWP 3	Kualoa Ranch, Fishpond Maintenance Dredging, Kualoa, Oahu, Hawaii	Section 10	2-Feb-23	HI	21.50975	-157.84578
NWP 3	County of Kauai, Department of Public Works, Maintenance of Waimea River Levee Gate A and Pump	Section 10/404	1-Mar-23	HI	21.95438	-159.6641
NWP 3	Honolulu Board of Water Supply, Nuuanu No.4 Reservoir Repair Project, Honolulu, Oahu	Section 404	13-Mar-23	HI	21.35308	-157.80901
NWP 3	Honolulu Board of Water Supply, Nuuanu No.4 Reservoir Repair Project, Honolulu, Oahu	Section 404	13-Mar-23	HI	21.35308	-157.80901
NWP 3	HDOT, North Makaha Bridge (3A) Replacement Project, West Makaha Stream, Makaha, Island of Oah	Section 10/404	26-May-23	HI	21.47708	-158.22002
NWP 3	HDOT, South Makaha Bridge (3) Replacement Project, Makaha Stream, Makaha, Island of Oahu, Haw	Section 10/404	26-May-23	HI	21.47625	-158.21931
NWP 3	The Nature Conservancy, Kiholo Fishpond Restoration Project, Kiholo Fishpond, Kailua-Kona, Island (	Section 10	25-May-23	HI	19.8551	-155.91993
NWP 3	DLNR, 800 Block Front Street Pile Removal, Lahaina, Island of Maui, HI	Section 10/404	26-Jun-23	HI	20.8757	-156.68057
NWP 3	Lloyd Talbert, Sea Wall Repair, Kailua Kona, Island of Hawaii, Hawaii	Section 10/404	31-Aug-23	HI	19.61184	-155.98105

NWP 3	HDOT, Hakalau Bridge Rehabilitation, Hilo, Island of Hawaii, Hawaii	Section 10/404	14-Jul-23	HI	19.8995	-155.12977
NWP 3	Ko Olina Community Association, Inc., Ko Olina Lagoon Maintenance, Ko Olina Lagoons, Kapolei, Isla	Section 10	15-Nov-23	HI	21.33326	-158.12375
NWP 3	Leeward Bikeway Project: Philippine Sea Road to Waipahu Depot Street	Section 404	15-Aug-23	HI	21.37889	-158.01063
NWP 3	Ali'i Landing HOA, Sea Wall Maintenance, Ali'i Landing Shoreline Access 59A, Kaneohe, Island of Oah	Section 10/404	18-Oct-23	HI	21.43065	-157.8059
NWP 3	DLNR DOBOR, Keehi Small Boat Harbor Ramp Loading Dock Repair, Honolulu, Island of Oahu, HI	Section 10/404	28-Nov-23	HI	21.31544	-157.89104
NWP 3	Hawaii Department of Transportation, Kahului Bay, Outfall Repair	Section 10	31-Jan-24	HI	20.89603	-156.46506
NWP 3	C&C Maui, LLC, Removal of Accumulated Sediments & Bank Stabilization, Kulanihakoi Gulch, Kihei, I	Section 404	13-May-24	HI	20.7658	-156.45778
NWP 3	DOBOR, Removal of Piles, Lahaina Harbor, Lahaina, Island of Maui, Hawaii	Section 10	10-Apr-24	HI	20.87128	-156.67825
NWP 3	State of Hawaii, DLNR, DOBOR, Lahaina Small Boat Harbor Maintenance, Pacific Ocean, Lahaina, Isl	Section 10	16-May-24	HI	20.87193	-156.67877
NWP 3	HDOT, Weoweopilau Bridge Scour Emergency Repair, Koloa, Island of Kauai, HI	Section 404	18-Jul-24	HI	21.95576	-159.46094
NWP 3	County of Hawaii, Department of Public Works, Maintenance Dredging, Wailoa River, Hilo, Island of H	Section 10	21-Feb-25	HI	19.71509	-155.07814
NWP 3	City and County of Honolulu, Department of Design and Construction, Channel Repair, Kaupuni Char	Section 10/404	4-Oct-24	HI	21.44903	-158.19246
NWP 3	Navy, Alpha Pier Pile Jacketing Repairs, JBPHH, Island of Oahu, HI	Section 10	17-Jun-24	HI	21.33007	-157.96621
NWP 3	County DPW, Culvert Replacement and Drainage Improvements, Olokauha Stream, Anahola Beach P	Section 404	10-Dec-24	HI	22.14552	-159.3026
NWP 3	DLNR, Bulkhead Fender Repairs, Wailoa SBH, Hilo, Island of Hawaii, HI	Section 10	17-Oct-24	HI	19.72226	-155.07049
NWP 3	CWCapital Asset Management LLC, Shopping Center Seawall Repair, Hawaii Kai Marina, Honolulu, Is	Section 10/404	19-Sep-24	HI	21.28384	-157.70751
NWP 3	County of Hawaii, Waiakea Stream Wall Repair, Waiakea Stream, Hilo, Island of Hawaii, HI	Section 404	14-Feb-25	HI	19.6796	-155.1008
NWP 3	CCHonolulu, Queens Surf Seawall Repair, Pacific Ocean, Honolulu, Oahu, HI	Section 10	3-Dec-24	HI	21.268	-157.82277
NWP 3	C&C Kauai DPW, Kulikuli Bridge Rehab, Kapa'a Stream, Kapa'a, Island of Kauai, Hawaii	Section 10/404	20-Dec-24	HI	22.10355	-159.36594
NWP 3	Coral Reef Alliance, Fishpond Restoration, Kaloko'eli Fishpond, South Shore Molokai, Island of Molok	Section 10	30-Apr-25	HI	21.07872	-157.00133
NWP 3	Coral Reef Alliance, Fishpond Restoration, Ali'i Fishpond, South Shore Molokai, Island of Molokai, Ha	Section 10	30-Apr-25	HI	21.07152	-156.98034
NWP 3	County of Hawaii, DPW, Nanue Stream Bridge Rehabilitation, Hawaii Belt Road, Hilo, Island of Hawaii	Section 10/404	3-Feb-25	HI	19.92729	-155.15635
NWP 3	Natural Energy Lab of Hawaii Authority, Underwater Pipe Removal, Keahole Point, Kalaoa, Island of H	Section 10	10-Feb-25	HI	19.72162	-156.0586
NWP 3	Keehi Marine Inc., Floating Dock Replacement, Keehi SBH, Honolulu, Island of Oahu, HI	Section 10	25-Mar-25	HI	21.32023	-157.89237
NWP 3	HDOT, Alae Bridge Scour Repair, Naalae Gulch, Kula, Maui, Hawaii	Section 404	3-Jan-25	HI	20.74225	-156.32609
NWP 3	Kalihiwai Ridge Community Association, Kalihiwai Dam Decommissioning, Kilauea, Island of Kauai, H	Section 404	10-Apr-25	HI	22.18623	-159.43299
NWP 3	County of Hawai'i Department of Public Works, Culvert Replacement and Repair, Unnamed Stream, S	Section 404	4-Feb-25	HI	19.68386	-155.14199
NWP 3	Agribusiness Development Corporation, Christian Crossing Bridge Scour Repairs, South Fork Wailua	Section 404	19-Feb-25	HI	22.03681	-159.37964
NWP 3	HDOT, Kamehameha Hwy Culvert Replacement, Unnamed Tributary, Punaluu, Oahu, Hawaii	Section 10/404	29-Jan-25	HI	21.59228	-157.89272
NWP 3	HDOT, Kamehameha Hwy Culvert Replacement, Kaaawa, Oahu, Hawaii	Section 10/404	29-Jan-25	HI	21.54715	-157.84657
NWP 3	HDOT, Kamehameha Hwy Culvert Replacement, Unnamed Tributary, Kaaawa, Oahu, Hawaii	Section 10/404	29-Jan-25	HI	21.53827	-157.84089
NWP 3	HDOT, Kaemehameha Hwy Culvert Replacement, Unnamed Tributary, Kaaawa, Oahu, Hawaii	Section 10/404	29-Jan-25	HI	21.55199	-157.84871
NWP 3	DOBOR, Puako Loading Dock Removal, Puako Bay, Puako, Island of Hawaii, Hawaii	Section 10	4-Feb-25	HI	19.97415	-155.83181
NWP 3	DLNR, 800 Block Front Street Pile Removal, Lahaina, Island of Maui, HI	Section 10	20-Feb-25	HI	20.8757	-156.68057
NWP 3	DLNR, 700 Block Front Street Pile Removal, Lahaina, Island of Maui, HI	Section 10	20-Feb-25	HI	20.8733	-156.67856
NWP 3	HDOT, Waimea Bridge Maintenance, Waimea River, Haleiwa, Island of Oahu, HI	Section 10	3-Apr-25	HI	21.63925	-158.06081
NWP 3	Hilton Hawaiian Village Pier Repair	Section 10/404	29-Apr-25	HI	21.28047	-157.8381
NWP 3	DLNR, 800 Block Front Street Pile Removal, Lahaina, Island of Maui, HI	Section 10	11-Apr-25	HI	20.8757	-156.68057
NWP 3	C&C Honolulu, Aalapapa Culvert Rehabilitation, Kailua, Island of Oahu, HI	Section 10/404	23-May-25	HI	21.38303	-157.71095
NWP 3	C&C Honolulu, Mokulua Culvert Rehabilitation, Kailua, Island of Oahu, HI	Section 10/404	23-May-25	HI	21.38337	-157.71012
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NWP 5	Deep-Water Energy Test Site (WETS), MCBH, Kaneohe, Hawaii	Section 10	25-Mar-21	HI	21.47104	-157.75559
NWP 5	JD Koaie Diversion, Kauai, HI	Section 404	20-May-21	HI	22.07399	-159.64628
NWP 5	JD Waiahulu Diversion, Kauai, HI	Section 404	20-May-21	HI	22.07405	-159.64832
NWP 5	State of Hawaii, Agribusiness Dev. Corp., Kekaha Irrigation Ditch Monitoring Gate, Waimea, Kauai, HI	Section 404	9-Jun-21	HI	22.04207	-159.64013
NWP 5	State of Hawaii, Agribusiness Dev. Corp., Stream Flow Rate Monitoring, Kekaha Ditch, Kauai, HI	Section 404	9-Jun-21	HI	22.04208	-159.64009

NWP 5	Makai Ocean Engineering, Fiber Optic Mooring Test System, Waimanalo Bay, Island of Oahu, Hawaii	Section 10	27-Apr-21	HI	21.32462	-157.66712
NWP 5	DOH, Scientific Monitoring Buoys, Keehi Lagoon, Honolulu, Oahu, HI	Section 10	17-May-21	HI	21.32747	-157.89869
NWP 5	DOH, Scientific Monitoring Buoys, Keehi Lagoon, Honolulu, Oahu, HI	Section 10	17-May-21	HI	21.32747	-157.89869
NWP 5	DOH, Scientific Monitoring Buoys, Keehi Lagoon, Honolulu, Oahu, HI	Section 10	17-May-21	HI	21.32747	-157.89869
NWP 5	University of Delaware, Meteorological Station Structures, Kaneohe Bay, Kaneohe, Oahu, Hawaii	Section 10	14-Jun-21	HI	21.46744	-157.80219
NWP 5	Makena Golf and Beach Club, Water Qaulity Monitoring Buoy, Wailea, Island of Maui, HI	Section 10	18-Nov-21	HI	20.65235	-156.44134
NWP 5	University of Hawai'i at Manoa, Coral Nursery Tables, Kaneohe Bay, Oahu, Hawaii	Section 10/404	7-Jan-22	HI	21.4505	-157.7956
NWP 5	Makai Ocean Engineering, Pipe Durability Testing, Waimanalo Bay, Island of Oahu, HI	Section 10	14-Dec-21	HI	21.31887	-157.66832
NWP 5	Wailua Beach Shoreline Erosion Protection, Kuhio Highway, Island of Kauai, Hawaii	Section 10	24-Jan-22	HI	22.04448	-159.33256
NWP 5	Deep-Water Energy Test Site (WETS), MCBH, Kaneohe, Hawaii	Section 10	7-Mar-22	HI	21.47104	-157.75559
NWP 5	NOAA PIFSC, Coral Reef Monitoring Device, Pacific Ocean, Island of Oahu, Hawaii	Section 10	13-May-22	HI	21.27276	-157.8317
NWP 5	NOAA PIFSC, Coral Reef Monitoring Device, Pacific Ocean, Island of Oahu, Hawaii	Section 10	16-May-22	HI	21.27276	-157.8317
NWP 5	NOAA PIFSC, Coral Reef Monitoring Device, Pacific Ocean, Island of Oahu, Hawaii	Section 10	16-May-22	HI	21.27276	-157.8317
NWP 5	Hu Honua Bioenergy Facility Outfall Structure Removal and Monitoring Devices	Section 10	2-Jun-22	HI	19.8425	-155.08472
NWP 5	Blue Ocean Mariculture Operation - Kona - Island of Hawaii, Hawaii	Section 10	4-Oct-22	HI	19.74278	-156.06194
NWP 5	Progression Hawaii Offshore Wind, LLC, LiDAR Buoy Installation, Pacific Ocean, Offshore from Oahu,	Section 10	30-Sep-22	HI	21.42094	-157.35543
NWP 5	Pacific Northwest National Laboratory, LiDAR Buoy Installation, 15 miles east of O'ahu, Pacific Ocear	Section 10	3-Oct-22	HI	21.4243	-157.4678
NWP 5	The Nature Conservancy, Coral Nursery and Monitoring Buoy, Kahuwai Bay, Kukio, Island of Hawaii, H	Section 10	17-Apr-23	HI	19.83548	-155.98883
NWP 5	The Nature Conservancy, Coral Nursery and Monitoring Buoy, Kealakekua Bay, Captain Cook, Island	Section 10	17-Apr-23	HI	19.48117	-155.92887
NWP 5	Christopher Sabine (UH Manoa), Water Quality Buoy, Olowalu, Island of Maui, Hawaii	Section 10	30-Mar-23	HI	20.80421	-156.60517
NWP 5	Christopher Sabine (UH Manoa), Water Quality Buoy, Maihi Bay, Keauhou, Island of Hawaii, Hawaii	Section 10	30-Mar-23	HI	19.54861	-155.96326
NWP 5	Christopher Sabine (UH Manoa), Water Quality Buoy, Hoai Bay, Poipu, Island of Kauai, Hawaii	Section 10	30-Mar-23	HI	21.8764	-159.47165
NWP 5	DARPA, Rapid Resilient Reefs, Kailua Bay, Kailua, Island of Oahu, HI	Section 10	2-Apr-23	HI	21.46083	-157.77051
NWP 5	DARPA, Rapid Resilient Reefs, Kailua Bay, Kailua, Island of Oahu, HI	Section 10	14-Oct-23	HI	21.46083	-157.77051
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	Natural Energy Laboratory of Hawaii Authority (NELHA), Offshore Electromagnetic Imaging Survey, Pa	Section 10	29-Sep-23	HI	19.6788	-156.07115
NWP 5	CIMAR, Scientific Measurement Device, Malama Bay, Ewa Beach Island of Oahu, HI	Section 10	23-Oct-23	HI	21.29167	-158.00889
NWP 5	NOAA NMFS (PIFSC), Scientific Measuring Device, Pacific Ocean, Olowalu, Island of Maui, HI	Section 10/404	14-Jun-24	HI	20.80519	-156.60433
NWP 5	NOAA NMFS (PIFSC), Scientific Measuring Device, Pacific Ocean, Olowalu, Island of Maui, HI	Section 10/404	14-Jun-24	HI	20.80519	-156.60433
NWP 5	NOAA NMFS (PIFSC), Scientific Measuring Device, Pacific Ocean, Olowalu, Island of Maui, HI	Section 10/404	14-Jun-24	HI	20.80519	-156.60433
NWP 5	Aukahi Energy LLC, Spotter Buoy Installation, Pacific Ocean, Wailea-Makena, Island of Maui, HI	Section 10	26-Jul-24	HI	20.66189	-156.45643
NWP 5	Aukahi Energy LLC, Spotter Buoy Installation, Pacific Ocean, Norther Kona Coast, Island of Hawaii, H	Section 10	26-Jul-24	HI	20.00178	-155.83795
NWP 5	UH - Hawaii Marine Energy Center, Spotter Buoys, Honolulu, Island of Oahu, HI	Section 10	24-May-24	HI	21.2882	-157.86498
NWP 5	UH - Hawaii Marine Energy Center, Spotter Buoys, Waimanalo, Island of Oahu, HI	Section 10	24-May-24	HI	21.31907	-157.66933
NWP 5	UH - Hawaii Marine Energy Center, Spotter Buoys, Waimanalo, Island of Oahu, HI	Section 10	24-May-24	HI	21.31908	-157.66927
NWP 5	UH - Hawaii Marine Energy Center, Spotter Buoys, Waimanalo, Island of Oahu, HI	Section 10	24-May-24	HI	21.3188	-157.66823
NWP 5	UH - Hawaii Marine Energy Center, Spotter Buoys, Waimanalo, Island of Oahu, HI	Section 10	24-May-24	HI	21.323	-157.664
NWP 5	U of H Hilo and Manoa, Coral Experimental Stations, Pacific Ocean, Olowalu, Island of Maui, HI	Section 10	27-Sep-24	HI	20.80629	-156.61147
NWP 5	MCBH, Scientific Measurement Device, Mamala Bay, Island of Oahu, HI	Section 10	3-Dec-24	HI	21.29528	-158.00281
NWP 5	Aqualink Scientific Buoy Installation, Maunalua Bay, Island of Oahu, HI	Section 10	19-Feb-25	HI	21.2597	-157.78028

NWP 5	Stormwater Monitoring (DFM-SWQ) CY23	Section 404	10-Jan-25	HI	21.29214	-157.79996
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NWP 6	Naval Region Hawaii, Temporary Facilities Borings, Waipio & Pearl City Peninsulas, Pearl Harbor, JBP	Section 10	21-Sep-21	HI	21.38357	-157.9691
NWP 6	CCH DDC, Shoreline Stabilization, December 2021 storm damage, Kawailoa Road, Kailua, Oahu, Ha	Section 10/404	28-Jul-22	HI	21.39647	-157.7269
NWP 6	Yogi Kwong Engineers, Scientific Boring, Pia Stream, Honolulu, Island of Oahu, Hawaii	Section 404	9-Jan-23	HI	21.28619	-157.73752
NWP 6	HDOT Harbors, Honolulu Harbor Pier 29 Borings, Honolulu Harbor, Honolulu, Island of Oahu, Hawaii	Section 10	28-Aug-23	HI	21.31027	-157.87248
NWP 6	Yogi Kwong Engineers, Kaaawa Stream Geotechnical Exploratory Boring, Kaaawa Place, Honolulu, HI	Section 10/404	19-Jan-24	HI	21.54455	-157.84553
NWP 6	Hickam AFB Overwater Boring	Section 404	22-Nov-24	HI	21.33649	-157.93685
NWP 6	City & County of Honolulu, Kailua Beach Park Boat Ramp, Kailua Bay, Oahu, Hawaii	Section 10	3-Feb-25	HI	21.39582	-157.72208
NWP 6	Wailuku River Bridge Replacement, HDOT-Highways, Hawaii Belt Road, Hilo, Island of Hawaii, Hawaii	Section 10	3-Feb-25	HI	19.72827	-155.08748
NWP 6	Kawaihae Harbor Dolphins Geotechnical Survey, Kamuela, Island of Hawaii, Hawaii	Section 10	7-Mar-25	HI	20.03173	-155.83023
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NWP 9	Phoenician Boat Harbor Walkway, Barber's Point, Island of Oahu,HI	Section 10	25-Mar-21	HI	21.32157	-158.12057
NWP 9	NAVFAC, Pearl City Peninsula Jet Dock, Pearl Harbor, Island of Hawaii, Hawaii	Section 10	11-May-21	HI	21.37147	-157.97374
NWP 9	NAVFAC, Jet Dock, Ford Island, JBPHH, HI	Section 10	21-May-21	HI	21.35635	-157.96149
NWP 9	Napali Navigators, LLC., Drive on Mooring Dock, Kikiaola Harbor, Waimea, Island of Kauai, Hawaii	Section 10	17-Mar-22	HI	21.95861	-159.69123
NWP 9	KFR & CLR LLC, Winona Vessel Mooring, Makaiwa Bay, Puako, Island of Hawaii, Hawaii	Section 10	21-Oct-21	HI	19.94407	-155.8722
NWP 9	DOBOR, Removal of Piles, Lahaina Harbor, Lahaina, Island of Maui, Hawaii	Section 10	23-Nov-21	HI	20.87128	-156.67825
NWP 9	Atlantis Submarines Hawaii, LLC., Mooring Buoys, Lahaina Harbor, Lahaina, Maui, HI	Section 10	28-Oct-22	HI	20.87158	-156.67854
NWP 9	Kai Lani Catamaran Charters LLC, Commercial Mooring Buoy Modifications, Lahaina Harbor, Maui, H	Section 10	30-May-23	HI	20.87263	-156.68477
NWP 9	KW Kona Investors LLC, Swim Platform Installation, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83205	-155.9865
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83175	-155.98617
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83187	-155.98625
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83197	-155.98642
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83222	-155.98687
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83258	-155.98703
NWP 9	KW Kona Investors LLC, Commercial Mooring Buoy, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83288	-155.98733
NWP 9	Christine Varley, Mooring Buoy, Lahaina, Island of Maui, HI	Section 10	21-Jul-23	HI	20.87127	-156.68283
NWP 9	North Shore Catamaran Charters Inc., Mooring Buoy, Haleiwa Small Boat Harbor, Haleiwa, Island of (	Section 10	24-Jul-23	HI	21.59305	-158.10549
NWP 9	Zachary LaPrade (Kaulana of Maui Inc.), Mooring Buoy Installation, Kihei Mooring Zone, Kihei, HI)	Section 10	20-Sep-23	HI	20.78468	-156.47365
NWP 9	Denver Coon (Maui Navigation Company, Ltd.), Mooring Buoy Installation, Kihei Mooring Zone, Kihei,	Section 10	22-Sep-23	HI	20.78208	-156.47095
NWP 9	Blueline Charters DBA Sail Maui, Mooring Buoy Installation, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	25-Oct-23	HI	20.7822	-156.4713
NWP 9	Kaanapali Queen, Inc., Offshore Mooring Buoy, Kaanapali, Island of Maui, HI	Section 10	30-Oct-23	HI	20.92347	-156.69942
NWP 9	PacWhale Eco-Adventures, Mooring Buoy, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	27-Nov-23	HI	20.78318	-156.47548
NWP 9	PacWhale Eco-Adventures, Mooring Buoy, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	27-Nov-23	HI	20.7833	-156.47395
NWP 9	Caldwell, Hone Heke Corp., Expeditions Mooring, Kihei, Island of Maui, Hawaii	Section 10	26-Mar-24	HI	20.78158	-156.474
NWP 9	Trilogy Corporation, Trilogy IV Mooring, Kihei, Island of Maui, Hawaii	Section 10	5-Jan-24	HI	20.781	-156.47087
NWP 9	Kona Wind Charters, Kona Wind Sugar Beach Kihei Mooring, Kihei, Maui, Hawaii	Section 10	29-Jan-24	HI	20.78611	-156.47444
NWP 9	Blueline Charters, Mooring Buoy, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	1-Mar-24	HI	20.78477	-156.47482
NWP 9	DHL Mahi OPCO, LLC., Commercial Mooring Buoy, Makaiwa Bay, Kohala, Island of Hawaii, HI	Section 10	7-May-24	HI	19.94362	-155.87196
NWP 9	DHL Mahi OPCO, LLC., Commercial Mooring Buoy, Makaiwa Bay, Kohala, Island of Hawaii, HI	Section 10	7-May-24	HI	19.94454	-155.87224
NWP 9	We Paint Maui, LLC., Mooring Buoy, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	20-Aug-24	HI	20.7802	-156.4693
NWP 9	UFO Parasail, North Mooring Buoy, Kaanapali Area, Lahaina, Island of Maui, HI	Section 10	16-Oct-24	HI	20.92136	-156.69826
NWP 9	UFO Parasail, South Mooring Buoy, Kaanapali Area, Lahaina, Island of Maui, HI	Section 10	16-Oct-24	HI	20.92096	-156.6986
NWP 9	Blueline Charters DBA Sail Maui, Commercial Mooring Buoy, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	12-Nov-24	HI	20.78368	-156.47297
	33					

NWP 10	Sterling Development Services, Mooring Buoy, Lahaina, Maui, HI	Section 10	7-Apr-21	HI	20.89133	-156.69013
NWP 10	DLNR, Lehua Island Mooring, Niihau, Kauai, Hawaii	Section 10	7-Jun-21	HI	22.01488	-160.09929
NWP 10	Sulayao Mala Wharf Mooring, Lahaina, Island of Maui, Hawaii	Section 10	3-Jun-21	HI	20.89167	-156.68889
NWP 10	Kai Lani Catamaran Charters LLC, Commercial Mooring Buoy Modifications, Lahaina Harbor, Maui, H	Section 10	2-Aug-21	HI	20.87263	-156.68477
NWP 10	Michael Hermanson, Mooring Buoy, Lahaina Harbor, Lahaina, Island of Maui, Hawaii	Section 10	24-Sep-21	HI	20.8678	-156.67831
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Lahaina Yacht Club Mooring Buoys Installation, Pacific Ocean, Lahaina, Island of Maui, Hawaii	Section 10	14-Oct-21	HI	20.86905	-156.68473
NWP 10	Jeffrey Pratt, Mala Wharf Offshore Mooring, Lahaina, Island of Maui, Hawaii	Section 10	2-May-22	HI	20.89056	-156.69011
NWP 10	Scott Coffman, Offshore Mooring, Kaneohe Bay, Oahu, Hawaii	Section 10	3-Aug-22	HI	21.44312	-157.80463
NWP 10	George V. Fischer, Mooring buoy, Lahaina Off-shore Mooring Area, Lahaina, Island of Maui, HI.	Section 10	1-Nov-22	HI	20.87104	-156.68453
NWP 10	Evan Brown, Lahaina Offshore Mooring Buoy, Lahaina Roadstead, Lahaina, Island of Maui, HI	Section 10	10-May-23	HI	20.87298	-156.68704
NWP 10	Lee James, Mooring Buoy Installation, Lahaina Offshore Mooring Area, Lahaina, Island of Maui, HI	Section 10	1-Jun-23	HI	20.87373	-156.68403
NWP 10	Steven Bell, Mooring Buoy Installation, Kaneohe Offshore Mooring Area, Kaneohe, Island of Oahu, HI	Section 10	31-Jul-23	HI	21.4434	-157.80378
NWP 10	Matthew Novotney, Mooring Buoy Installation, Lahaina Offshore Mooring Area, Lahaina, Island of Mat	Section 10	13-Jul-23	HI	20.86702	-156.68048
NWP 10	John Troyer, Mooring Buoy, Lahaina, Island of Maui	Section 10	31-Jul-23	HI	20.89411	-156.68958
NWP 10	Terry Kellam, Mooring Buoy Installation, Mala Wharf Mooring Area, Lahaina, Island of Maui, Hawai'i	Section 10	8-Aug-23	HI	20.89039	-156.68772
NWP 10	Dennis Orr, Mooring Buoy, Lahaina Offshore Mooring Area, Island of Maui, HI	Section 10	1-Aug-23	HI	20.872	-156.6855
NWP 10	Hui O Wa'a Kaulua, Mooring Buoy Installation, outside Lahaina Offshore Mooring Area, Lahaina, Islan	Section 10	31-Jul-23	HI	20.86145	-156.68127
NWP 10	John Powers, Mooring Buoy, Lahaina, Island of Maui, HI	Section 10	24-Jul-23	HI	20.8735	-156.68598
NWP 10	Kurt Matsumoto, Bow/Stern Mooring Buoy, Manele Small Boat Harbor, Lanai City, Island of Lanai, HI	Section 10	26-Aug-24	HI	20.7423	-156.8881
NWP 10	DARPA, Rapid Resilient Reefs, Kailua Bay, Kailua, Island of Oahu, HI	Section 10	17-Aug-24	HI	21.46083	-157.77051
NWP 10	Offshore Mooring Installation, Pacific Ocean, Kihei, Island of Maui, Hawaii	Section 10	24-Jan-25	HI	20.78005	-156.47247
NWP 10	US Navy, USS Arizona Mooring Buoy 1, Pacific Ocean, Honolulu, Island of Oahu, HI	Section 10	9-May-25	HI	21.36496	-157.94988
NWP 10	US Navy, Mooring buoy 2 Installation, Pealt Harbor, Ford Island, Oahu, Hawaii	Section 10	9-May-25	HI	21.36461	-157.94875
NWP 10	US Navy, Mooring buoy 3 Installation, Pearl Harbor, Ford Island, Oahu, Hawaii	Section 10	7-May-25	HI	21.36381	-157.94954
NWP 10	US Navy, Mooring buoy 4 Installation, Pearl Harbor, Ford Island, Oahu, Hawaii	Section 10	9-May-25	HI	21.36308	-157.95065
NWP 10	US Navy, Mooring buoy 5 Installation, Pearl Harbor, Ford Island, Oahu, Hawaii	Section 10	9-May-25	HI	21.36381	-157.95113
33						
NWP 11	Temporary Mark for 2022 Pacific Cup Yacht Race Kaneohe Bay Channel (Sampan Channel)	Section 10	19-May-22	HI	21.48056	-157.77222
NWP 11	KW Kona Investors LLC, Swim Platform Installation, Kahuwai Bay, Kailua Kona, Island of Hawaii, HI	Section 10	27-Sep-23	HI	19.83205	-155.9865
NWP 11	Moku O Hawaii Outrigger Canoe Racing Association, Regatta Course, Pacific Ocean, Island of Hawaii	Section 10	10-Jan-25	HI	19.63254	-155.99737
3						
NWP 13	Alexander & Baldwin, Bank Stabilization, Aiea Stream, Aiea, Oahu, HI	Section 10/404	23-Jul-21	HI	21.37977	-157.92606
NWP 13	Koa Ridge Makai Drainage Master Plan, Waipio, Island of Oahu, Hawaii	Section 404	28-Apr-22	HI	21.4581	-157.994
NWP 13	Hanalei Traders Inc., Streambank Stabilization, Hanalei River, Island of Kauai, Hawaii	Section 10/404	18-May-22	HI	22.20539	-159.49246
NWP 13	Streambank Stabilization, H3 Piers, Halawa, Oahu	Section 404	6-Jul-22	HI	21.37779	-157.90731
NWP 13	County of Maui, DPW, Streambank Stabilization, Wailuku Stream, Wailuku, Island of Maui, Hawaii	Section 404	3-Oct-22	HI	20.8947	-156.50043
NWP 13	C&C Maui, LLC, Removal of Accumulated Sediments & Bank Stabilization, Kulanihakoi Gulch, Kihei, I	Section 10/404	19-Oct-22	HI	20.7658	-156.45778
NWP 13	East Maui Irrigation Company, Mahi Pono Holdings LLC., Kapalaalaea Dam Decommissioning, Haiku,	Section 404	29-Jul-24	HI	20.9124	-156.25839
NWP 13	C2F Parking Garage Kahauiki Bank Stabilization	Section 404	15-Mar-24	HI	21.34819	-157.88322

NWP 13	HDOT Harbors, Bank Stabilization, Kalaeloa Barbers Point Harbor, Kapolei, Island of Oahu, HI	Section 10/404	19-Jul-24	HI	21.32615	-158.1096
NWP 13	Uluniu Construction, Collapsed Bridge Removal, Maunawili Stream, Kailua, Oahu, HI	Section 404	10-Sep-24	HI	21.36175	-157.76487
NWP 13	Scolnik - Bank Stabilization - Moloa'a Stream	Section 404	12-Mar-25	HI	22.19044	-159.33378
NWP 13	Manoa Shangri-La Rock Wall Repair, Waihi Stream, Honolulu, Island of Oahu, HI	Section 404	11-Apr-25	HI	21.32776	-157.80081
NWP 13	CCHonolulu, Queens Surf Seawall Repair, Pacific Ocean, Honolulu, Oahu, HI	Section 10/404	30-Apr-25	HI	21.268	-157.82277
13						
NWP 14	Turtle Bay Resort On-site Infrastructure Improvements, Kaihalulu Drive Construction, Kahuku, Island	Section 404	23-May-22	HI	21.70251	-157.99072
NWP 14	Kaipapau Stream Bridge Rehab Hauula Oahu	Section 10/404	26-Oct-22	HI	21.61709	-157.91383
NWP 14	County of Maui, Kulanihako'i Gulch Bridge Construction and Improvements, Kulanihako'i Gulch, Kihe	Section 404	24-Mar-23	HI	20.76413	-156.45227
NWP 14	County of Maui, Waipuilani Gulch Bridge Construction and Improvements, Waipuilani Gulch, Kihei, Is	Section 404	24-Mar-23	HI	20.75867	-156.45133
NWP 14	HDOT, Kamehameha Highway Pedestrian Safety Project, Laniakea Beach, Haleiwa, Oahu, HI	Section 404	2-Aug-23	HI	21.61777	-158.08609
NWP 14	DLNR-Division of Forestry and Wildlife, Queensland Low-Water Crossing, North Fork Wailua River, W	Section 404	2-Aug-23	HI	22.06561	-159.42071
NWP 14	Wailua Beach Shoreline Erosion Protection, Kuhio Highway, Island of Kauai, Hawaii	Section 10/404	25-Oct-23	HI	22.04448	-159.33256
NWP 14	Kolekole Pass Drainage Improvement	Section 10/404	7-Mar-24	HI	21.48128	-158.11098
NWP 14	Keopu Well #4 Pump and Transmission Line Project DEA	Section 404	28-Mar-24	HI	19.6493	-155.9517
NWP 14	HDOT, Kaluanui Stream Bridge Replacement, Punaluu, Island of Oahu, HI	Section 10/404	4-Oct-24	HI	21.59806	-157.89694
NWP 14	DLNR-Division of Forestry and Wildlife, Queensland Low-Water Crossing, North Fork Wailua River, W	Section 404	24-Sep-24	HI	22.06561	-159.42071
NWP 14	HART, Honolulu Rail Transit Project, Nuuanu Stream, Honolulu, Island of Oahu, HI	Section 404	17-Mar-25	HI	21.31334	-157.86513
12						
NWP 16	Maintenance Removal of Accumulated Sediment, Kaimalu Canal, Kaneohe, Island of Oahu, Hawaii	Section 10/404	8-Nov-23	HI	21.41194	-157.77194
1						
NWP 18	Moku O Hawaii Outrigger Canoe Racing Association, Regatta Course, Pacific Ocean, Island of Hawaii	Section 10	10-Jan-25	HI	19.63254	-155.99737
NWP 18	County DPW, Culvert Replacement and Drainage Improvements, Olokauha Stream, Anahola Beach P	Section 404	10-Dec-24	HI	22.14552	-159.3026
2						
NWP 19	Unidentifed Shipwreck Exploratory Excavations - South Kohala Coast, Island of Hawaii	Section 10/404	17-Jun-21	HI	19.60094	-155.52112
1						
NWP 27	Kona Villages Fishpond Enhancement & Infrastructure Maintenance, Kona, Hawaii, HI	Section 10/404	7-Apr-21	HI	19.83115	-155.98376
NWP 27	Stephen Jacobson (Kupono Partners LLC), Beach Restoration, Maalaea Bay, Kihei, Island of Maui, HI	Section 10	14-Jul-23	HI	20.76862	-156.45901
NWP 27	NOAA, Coral Restoration Project, Barbers Point Harbor Entrance Channel, Kapolei, Island of Oahu, H	Section 10/404	3-May-24	HI	21.31555	-158.12756
NWP 27	DLNR, Resilient Reef Initiative, Kealakekua bay, Kailua-Kona, Island of Hawaii, Hawaii	Section 10/404	15-May-24	HI	19.47857	-155.9333
NWP 27	DARPA, Rapid Resilient Reefs, Kailua Bay, Kailua, Island of Oahu, HI	Section 10/404	17-Aug-24	HI	21.46083	-157.77051
NWP 27	U of H Hilo and Manoa, Coral Experimental Stations, Pacific Ocean, Olowalu, Island of Maui, HI	Section 10	27-Sep-24	HI	20.80629	-156.61147
NWP 27	Natural Energy Lab of Hawaii Authority, Underwater Pipe Removal, Keahole Point, Kalaoa, Island of H	Section 10	10-Feb-25	HI	19.72162	-156.0586
NWP 27	HDOT, Hakalau Bridge Rehabilitation, Hilo, Island of Hawaii, Hawaii	Section 10/404	11-Apr-25	HI	19.8995	-155.12977
8						
NWP 33	The New Kapalama Container Terminal Wharf and Dredging, Honolulu Harbor, Honolulu, Hawaii	Section 10	8-Apr-22	HI	21.31639	-157.88417
NWP 33	DLNR-DOFAW, Maintenance Road Construction, Kawainui Marsh Levee, Kailua, Oahu	Section 404	17-May-22	HI	21.39507	-157.74978
NWP 33	CCH, Anapalau Street Channel Improvements, Honolulu, Island of Oahu, HI	Section 10/404	19-Nov-24	HI	21.2798	-157.7031
3						
NWP 35	HKMCA, Maintenance Dredging, Hawaii Kai Marina and Entrance Channel, Additional Locations, Haw	Section 10	26-Oct-22	HI	21.28128	-157.71128
NWP 35	Maintenance Removal of Accumulated Sediment, Kaimalu Canal, Kaneohe, Island of Oahu, Hawaii	Section 10	8-Nov-23	HI	21.41194	-157.77194
NWP 35	HDOT-Harbors, Maintenance Dredging at Pier 2, Hilo Harbor, Hilo, Island of Hawaii, Hawaii	Section 10	23-Jan-25	HI	19.7302	-155.055
NWP 35	DLNR DOBOR, Wailoa Small Boat Harbor Maintenance Dredging Project, Hilo, Island of Hawaii, HI	Section 10	29-Mar-24	HI	19.72405	-155.07167
NWP 35	DLNR DOBOR, Wailoa Small Boat Harbor Maintenance Dredging Project, Hilo, Island of Hawaii, HI	Section 10	10-Jun-24	HI	19.72405	-155.07167
NWP 35	DLNR, Mala Boat Ramp Maintenance Dredging, Lahaina, Island of Maui, Hawaii	Section 10	23-Jan-25	HI	20.88562	-156.68699
6						

NWP 38	HECO Clean up Toxic Waste, Waiau Generating Station, Pearl Harbor, Pearl City, Island of Oahu, Hav	Section 10	21-Mar-22	HI	21.389	-157.96117
1						
NWP 43	Honolulu Board of Water Supply, Nuuanu No.4 Reservoir Repair Project, Honolulu, Oahu	Section 404	13-Mar-23	HI	21.35308	-157.80901
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NWP 46	Kokee Diversion Modification, Kauai, HI	Section 404	17-Oct-23	HI	22.13	-159.62306
1						
NWP 57	Defense Information Systems Agency, Joint Trunk System Cable Installation, Moanalua Stream, Honc	Section 10	4-Mar-22	HI	21.33509	-157.89352
NWP 57	HART, Utility Line Micro Tunnel, Kapalama Canal, Honolulu, HI	Section 10/404	28-Mar-22	HI	21.32217	-157.87301
NWP 57	CUI - US Navy, Hawaiian Telcom Pearl Harbor Crossing, HDD, Pearl Harbor, Island of Oahu, HI	Section 10	19-Sep-23	HI	21.33105	-157.97014
NWP 57	Deep-Water Energy Test Site (WETS), MCBH, Kaneohe, Hawaii	Section 10	19-Jul-24	HI	21.47104	-157.75559
NWP 57	ERM, Kapolei Cable Landing Facility, Pacific Ocean, Kapolei, Island of Oahu, HI	Section 10	4-Feb-25	HI	21.34864	-158.14235
NWP 57	SubCom, Subsea Telecommunications Cable, Alenuihaha Channel, Hawaii	Section 10	26-Nov-24	HI	18.98559	-155.88356
NWP 57	FAA, Fiber Optic Loop, Kumumau Canal, Honolulu, Island of Oahu, HI	Section 10	20-Feb-25	HI	21.31809	-157.92969
NWP 57	Naval Air Systems Command, Cable Installation for BARSTUR and BSURE, Barking Sands, PMRF, Kek	Section 10	21-May-25	HI	22.04712	-159.78286
8						
NWP 58	Natural Ocean Well Company, Desalinization Plant, HOST Park, Kailua-Kona, Island of Hawaii, Hawa	Section 10	18-Jul-23	HI	19.71825	-156.07137
NWP 58	City and County of Honolulu (ENV), Sewer Replacement, Ewa Beach, Island of Oahu, HI	Section 10	6-Dec-24	HI	21.31198	-158.00597
2						

Data pulled for period 15Mar21-5Jun25

NWP Types(# verified):

1 (2), 3 (128), 5 (52), 6 (9), 9 (33), 10 (33), 11 (3), 13 (13), 14 (12), 16 (1), 18 (2), 19 (1)

27 (8), 33 (3), 35 (6), 38 (1), 43 (1), 46 (1), 57 (8), 58 (2)

Total verifications 15Mar21-5Jun25: 319