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**Summary of the 2021 Nationwide Permits (grey rows) and 2017 Nationwide Permits (white rows)<sup>1</sup>**

Nationwide Permit	Statutory Authority	Limits	NWP Pre-Construction Notification (PCN) Threshold <sup>2</sup>	Delineation Required?	Applicable Waters	Changes	Other Information	TCEQ/TxRRC Notable (Not Inclusive) Conditions
<b>NWP 1</b> – Aids to Navigation	10	none	PCN not required	no	navigable waters of the U.S.	none		TCEQ – No Condition
<b>NWP 2</b> – Structures in Artificial Canals	10	none	PCN not required	no	navigable waters of the U.S.	none		TxRRC – Waived TCEQ – No Condition
<b>NWP 3</b> – Maintenance	10/404							TxRRC – Waived
(a) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills		authorizes only minor deviations for maintenance	PCN not required	no	all waters of the U.S.	Authorize the repair, rehabilitation, or replacement of any currently serviceable structure or fill that did not require a permit at the time it was constructed. Authorize new or additional riprap to protect the structure or fill.	Does not authorize: maintenance dredging for the primary purpose of navigation; beach restoration; or new stream channelization or stream relocation projects. Limits stream channel modification to the minimum necessary for the maintenance activity.	TCEQ – Condition BMPs
(b) Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals		200 feet from structure; minimum necessary to restore capacity intake or outfall or associated canal	all activities	yes	all waters of the U.S.			
(c) Temporary structures, fills, and work necessary to conduct maintenance activity			PCN not required	no	all waters of the U.S.	none.	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations	
<b>NWP 4</b> – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	none	PCN not required	no	all waters of the U.S.	none	Does not authorize impoundments or artificial reefs. Does not authorize covered oyster trays or clam racks.	TCEQ – No Condition
<b>NWP 5</b> – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	no	all waters of the U.S.	none	Devices and any associated structures or fills be removed upon completion of the use and restored to pre-construction elevations to maximum extent practicable.	TCEQ – No Condition
<b>NWP 6</b> – Survey Activities	10/404	1/10-acre	PCN not required	no	all waters of the U.S.	none	Does not authorize fills for roads. Does not authorize permanent structures. Does not authorize fill associated with recovery of historic properties. Backfilling of exploratory trenches must not drain a water of the U.S.	TxRRC – Waived TCEQ – Condition BMPs
<b>NWP 7</b> – Outfall Structures and Associated Intake Structures	10/404	none	all activities	yes	all waters of the U.S.	none	Activity must comply with National Pollutant Discharge Elimination System Program.	TxRRC – Waived TCEQ – Condition BMPs
<b>WP 8</b> – Oil and Gas Structures on the Outer Continental Shelf	10	none	all activities	no	navigable waters of the U.S.	none	Limited to facilities in areas leased by the Bureau of Ocean Energy Management of the Department of the Interior.	TxRRC – Waived TCEQ – No Condition
<b>NWP 9</b> – Structures in Fleeting and Anchorage Areas	10	none	PCN not required	no	navigable waters of the U.S.	none	Applies to structures, buoys, and other devices placed in anchorage or fleeting areas established for those purposes	TCEQ – No Condition
<b>NWP 10</b> – Mooring Buoys	10	none	PCN not required	no	navigable waters of the U.S.	none	Non-commercial, single boat mooring buoys	TCEQ – No Condition
<b>NWP 11</b> – Temporary Recreational Structures	10	none	PCN not required	no	navigable waters of the U.S.	none	Structures must be removed within 30 days after use discontinued.	TCEQ – No Condition



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<b>NWP 12</b> – Oil or Natural Gas Pipeline Activities	10/404	1/2 acre	<ul style="list-style-type: none"> <li>a section 10 permit is required</li> <li>discharges that result in the loss of &gt;1/10 acre</li> <li>new oil or natural gas pipeline greater than 250 miles in length</li> </ul>	yes, if PCN required	see text of NWP	Limit to oil or natural gas pipeline activities. Remove PCN requirements for: (a) activities that involve mechanized land clearing in a forested wetland for the utility line right-of-way; (b) utility lines in waters of the United States, excluding overhead lines, that exceed 500 feet; (c) utility lines placed within a jurisdictional area (i.e., water of the United States), that run parallel to or along a stream bed that is within that jurisdictional area; (d) permanent access roads constructed above grade in waters of the United States for a distance of more than 500 feet; or (e) permanent access roads are constructed in waters of the United States with impervious materials. Add PCN requirement for new oil or natural gas pipelines more than 250 miles in length.	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.	TxRRC –Condition – No Mechanized Land Clearing & BMPs TCEQ – Condition BMPs
oil or natural gas pipelines					all waters of the U.S., including navigable waters	Remove Note requiring district engineer to send copy of PCN and NWP verification letter to Department of Defense Siting Clearinghouse.	Must restore area to pre-construction contours.	
oil or natural gas pipeline substations					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters			
foundations for above-ground oil or natural gas pipelines					all waters of the U.S.			
access roads					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters		Access roads must be constructed to minimize adverse effects to waters of the U.S.	
<b>NWP 13</b> – Bank Stabilization	10/404	<ul style="list-style-type: none"> <li>500 feet along the bank (unless waived by DE – waivers for bulkheads limited to 1,000 linear feet along the shore)</li> <li>1 cubic yard per running foot (unless waived by DE)</li> </ul>	<ul style="list-style-type: none"> <li>&gt;500 linear feet in length</li> <li>&gt;1 cubic yard per running foot, as measured along the treated bank, below OHWM or HTL</li> <li>discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	Add Note stating that in coastal waters and the Great Lakes, living shorelines authorized by NWP 54 may be an appropriate form of bank stabilization.	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Native plant species appropriate for site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization.	TCEQ – Condition BMPs
<b>NWP 14</b> – Linear Transportation Projects	10/404	<ul style="list-style-type: none"> <li>1/2 acre in non-tidal waters</li> <li>1/3 acre in tidal waters</li> </ul>	<ul style="list-style-type: none"> <li>&gt;1/10 acre</li> <li>discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	Add “driveways” to list of examples of linear transportation projects.	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Does not authorize storage buildings, parking lots, train stations, aircraft hangars, or other non-linear transportation features.	TxRRC – Waived TCEQ – Condition BMPs



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<b>NWP 15</b> – U.S. Coast Guard Approved Bridges	404	none	PCN not required	no	navigable waters of the U.S.	none	Causeways and approach fills for bridges are not authorized by this NWP; those activities require separate section 404 authorization. Bridge structures can be authorized by Section 9 of the Rivers and Harbors Act or other applicable laws.	TCEQ – Condition BMPs
<b>NWP 16</b> – Return Water From Upland Contained Disposal Areas	404	none	PCN not required	no	all waters of the U.S.	none	Water quality issues addressed through Clean Water Act section 401 certification process	2017 Tx Reg Conditions REQUIRE Individual WQC TxRRC – Waived TCEQ – Condition– 300 mg/L TSS & BMPs
<b>NWP 17</b> – Hydropower Projects	404	none	all activities	yes	all waters of the U.S., except navigable (i.e., section 10) waters	Increase total generating capacity from 5,000 kW to 10,000 kW.	Applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements.	TCEQ – Condition BMPs
<b>NWP 18</b> – Minor Discharges	10/404	<ul style="list-style-type: none"> <li>25 cubic yards discharged below plane of OHWM/HTL</li> <li>1/10 acre of waters of the U.S.</li> </ul>	<ul style="list-style-type: none"> <li>&gt;10 cubic yards discharged below plane of OHWM/HTL</li> <li>discharges into special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	none	Does not authorize discharges for stream diversions.	TxRRC – Waived TCEQ – Condition BMPs
<b>NWP 19</b> – Minor Dredging	10/404	50 cubic yards below plane of OHWM/ MHW	PCN not required	no	navigable waters of the U.S.	Increase limit to 50 cubic yards.	Does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands. Does not authorize the connection of canals to navigable waters.	TxRRC – Waived TCEQ – Condition BMPs
<b>NWP 20</b> – Response Operations for Oil or Hazardous Substances	10/404	none	PCN not required	no	all waters of the U.S.	none	Authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan. Authorizes activities required for cleanup of oil releases in waters of the U.S. Authorizes use of temporary structures and fills for spill response training exercises.	TxRRC – Waived TCEQ – No Condition
<b>NWP 21</b> – Surface Coal Mining Activities	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>No valley fills</li> </ul>	All activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision. Remove reference to integrated permit processing procedures. Remove requirement for written verification.	Activities must be authorized, or currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 22</b> – Removal of Vessels	10/404	none	<ul style="list-style-type: none"> <li>if vessel listed or eligible for National Register of Historic Places</li> <li>activities in special aquatic sites</li> </ul>	yes, if PCN required	all waters of the U.S.	none	Does not authorize maintenance dredging, shoal removal, or river bank snagging. Disposal of removed vessel in waters of the U.S. may require separate authorizations from EPA and Corps.	TCEQ – Condition BMPs
<b>NWP 23</b> – Approved Categorical Exclusions	10/404	none	PCN not required, except for certain activities identified in RGL 05-07	yes, if PCN required	all waters of the U.S.	none	Categorical exclusions must be approved by the Office of the Chief of Engineers. See RGL 05-07 for list of agencies and their activities that are currently eligible for NWP 23.	TCEQ – No Condition
<b>NWP 24</b> – Indian Tribe or State Administered Section 404 Program	10	none	PCN not required	no	navigable waters of the U.S.	none	Does not authorize activities in navigable waters that require only a section 10 permit.	TCEQ – No Condition
<b>NWP 25</b> – Structural Discharges	404	none	PCN not required	no	waters of the U.S.	none	Structure may require a section 10 permit if located in navigable waters of the U.S. Does not authorize structures that support buildings or similar structures.	TxRRC – Waived TCEQ – Condition BMPs



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<b>NWP 27</b> – Aquatic Habitat Restoration, Enhancement, and Establishment Activities	10/404	none	all activities, except for those that require reporting (e.g., activities under a binding agreement between the landowner and an agency)	yes, if PCN required	all waters of the U.S.	Add “releasing sediment from reservoirs to restore or sustain downstream habitat” and “coral restoration or relocation” to the list of examples of activities authorized by this NWP. No PCN required for 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.	Does not authorize stream channelization. Does not authorize relocation or conversion of tidal waters. Does not authorize conversion of natural wetlands or streams, except for relocation activities. Compensatory mitigation is not required for NWP 27 activities.	TCEQ – Condition BMPs
<b>NWP 28</b> – Modifications of Existing Marinas	10	activities limited to authorized marina area	PCN not required	no	navigable waters of the U.S.	none	Does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.	TCEQ – No Condition
<b>NWP 29</b> – Residential Developments	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed 1/2- acre.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 30</b> – Moist Soil Management for Wildlife	404	none	PCN not required	no	non-tidal waters of the U.S.	none	Authorizes only on-going activities. Does not authorize construction of new dikes, roads, water control structures, etc. Does not authorize conversion of wetlands to uplands. Does not authorize impoundments. Does not authorize activities that result in net loss of aquatic functions and services.	TCEQ – Condition BMPs
<b>NWP 31</b> – Maintenance of Existing Flood Control Facilities	10/404	maintenance baseline approved by district engineer	all activities	yes	all waters of the U.S.	none	PCN must indicate location of sites for disposal of dredged or excavated material and baseline information. Authorizes the removal of vegetation from levees associated with a flood control project, if Corps permits are required for those activities.	TCEQ – Condition BMPs
<b>NWP 32</b> – Completed Enforcement Actions	10/404	<ul style="list-style-type: none"> <li>5 acres of non-tidal waters</li> <li>1 acre of tidal waters</li> <li>also see text of NWP</li> </ul>	PCN not required	no	all waters of the U.S.	none		TCEQ – Condition BMPs
<b>NWP 33</b> – Temporary Construction, Access, and Dewatering	10/404	none	all activities in navigable (i.e., section 10) waters	yes	all waters of the U.S.	none	Associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements. PCN must include restoration plan.	TCEQ – Condition BMPs
<b>NWP 34</b> – Cranberry Production Activities	404	10 acres, but activity cannot result in net loss of wetland acreage	all activities	yes	section 404 waters only	none	Does not authorize discharges in waters of the U.S. for attendant features, such as warehouses, processing facilities, or parking areas.	TCEQ – No Condition
<b>NWP 35</b> – Maintenance Dredging of Existing Basins	10	dredging to previously authorized depths or controlling depths, whichever are less	PCN not required	no	navigable waters of the U.S.	none		TCEQ – No Condition
<b>NWP 36</b> – Boat Ramps	10/404	<ul style="list-style-type: none"> <li>50 cubic yards, unless waived by DE</li> <li>20 foot width, unless waived by DE</li> </ul>	<ul style="list-style-type: none"> <li>&gt;50 cubic yards</li> <li>&gt;20 feet wide</li> </ul>	yes, if PCN required	all waters of the U.S., except special aquatic sites	none	Section 10 permit required if dredging navigable water is necessary for access to boat ramp. No placement of material in special aquatic sites.	TCEQ – Condition BMPs



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<b>NWP 37</b> – Emergency Watershed Protection and Rehabilitation	10/404	none	all activities	yes	all waters of the U.S.	none	Prospective permittee should wait 45 calendar days before proceeding with the activity if the DE has not yet issued a verification letter, but may proceed immediately if there is an unacceptable hazard to life or significant loss of property or economic hardship will occur.	TCEQ – Condition BMPs
<b>NWP 38</b> – Cleanup of Hazardous and Toxic Waste	10/404	none	all activities	yes	all waters of the U.S.	none	Does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.	TxRRC – Waived TCEQ – Condition BMPs
<b>NWP 39</b> – Commercial and Institutional Developments	10/404	• 1/2 acre	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	Does not authorize construction of new golf courses or new ski areas. Authorizes the construction of oil or gas wells. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 40</b> – Agricultural Activities	404	• 1/2 acre	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	NWP can be used for agricultural activities, regardless of whether applicant is USDA participant. Does not authorize aquaculture ponds.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 41</b> – Reshaping Existing Drainage and Irrigation Ditches	404	none	PCN not required	no	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Add irrigation ditches.	Reshaping drainage ditch cannot increase capacity of ditch or drain additional waters of the U.S. Does not authorize relocation of drainage ditches constructed in waters of the U.S.	TCEQ – Condition BMPs
<b>NWP 42</b> – Recreational Facilities	404	• 1/2 acre	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	Authorizes variety of recreational facilities, except for hotels, restaurants, racetracks, stadiums, arenas, or similar facilities (these may be authorized by NWP 39).	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 43</b> – Stormwater Management Facilities	404	• 1/2 acre	all activities involving expansion or construction of SWM facilities	yes, if PCN required	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	Does not authorize construction of new stormwater management facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities. Also authorizes low impact development integrated management features and pollutant reduction green infrastructure features.	TxRRC –Condition – 1,500 linear foot Stream Impact Limit & BMPs TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 44</b> – Mining Activities	10/404	• 1/2 acre	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision. Limit mining in non-tidal navigable waters of the United States (i.e., section 10 waters) to 1/2-acre.	PCN must include final reclamation plan if reclamation is required by other statutes.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 45</b> – Repair of Uplands Damaged by Discrete Events	10/404	Restore uplands to pre-event ordinary high water mark	all activities	yes	all waters of the U.S.	none	PCN must be submitted to district engineer within one year of date of damage; work must start or be under contract within two years of date of damage.	TCEQ – Condition BMPs
<b>NWP 46</b> – Discharges in Ditches	404	• 1 acre	all activities	yes	certain types of non-tidal ditches constructed in uplands and determined to be waters of the U.S.	none	NWP does not authorize discharges into ditches constructed in streams or other waters of the U.S., or in streams that have been relocated in uplands.	TxRRC – Waived TCEQ – Condition BMPs





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<b>NWP 48</b> –Commercial Shellfish Mariculture Activities	10/404	none	New and existing activities that directly affect greater than 1/2-acre of submerged aquatic vegetation	no	navigable waters of the U.S.	Change “aquaculture” to “mariculture.” Remove the prohibition against new commercial shellfish mariculture activities directly affecting more than 1/2-acre of submerged aquatic vegetation. Remove definition of “new commercial shellfish aquaculture operation” as operating in an area where such activities have not occurred during the past 100 years. Add PCN requirement for activities directly affecting greater than 1/2-acre of submerged aquatic vegetation. Prohibit cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody.	Does not authorize nonindigenous species not previously cultivated in the waterbody, aquatic nuisance species, or attendant features such as docks or staging areas. Does not authorize the deposition of shell material back into waters of the U.S. as waste. Project area is the area in which the operator is authorized to conduct commercial shellfish mariculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator.	TCEQ – No Condition
<b>NWP 49</b> – Coal Remining Activities	10/404	Limited to sites that were previously mined for coal, but new mining may be conducted in adjacent areas if the newly mined area is less than 40 percent of the area being remined plus any unmined area needed for reclamation.	all activities	yes	non-tidal waters of the U.S.	Remove requirement for written verification. Remove reference to integrated permit processing procedures.	Permittee must demonstrate net increase in aquatic resource functions through reclamation. Activities must be authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title IV and V of the Surface Mining Control and Reclamation Act of 1977. Corps will review the SMCRA determination regarding the amount of previously unmined area necessary for the reclamation and make an independent determination of the amount needed.	TCEQ – Condition BMPs
<b>NWP 50</b> – Underground Coal Mining Activities	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> </ul>	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision. Remove requirement for written verification. Remove reference to integrated permit processing procedures. Remove Note stating that coal preparation and processing outside the mine site may be authorized by NWP 21.	Activities must be authorized by the Department of the Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977. If reclamation required, a copy of the plan must be submitted with PCN. Does not authorize coal preparation and processing activities outside of the mine site.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 51</b> – Land-Based Renewable Energy Generation Facilities	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> </ul>	<ul style="list-style-type: none"> <li>discharges that result in the loss of &gt;1/10 acre</li> </ul>	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	Authorizes construction, expansion or modification of land-based renewable energy production facilities, including attendant features. If only activity requiring DA authorization is utility line, then NWP C shall be used. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs



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<b>NWP 52</b> – Water-Based Renewable Energy Generation Pilot Projects	10/404	<ul style="list-style-type: none"> <li>1/2 acre</li> <li>No more than 10 generation units</li> <li>Floating solar panels in section 10 waters limited to 1/2-acre in size</li> </ul>	all activities	yes	all waters of the U.S. except in coral reefs	Remove the 300 linear foot limit for losses of stream bed. Remove waiver provision.	Authorizes construction, expansion, modification, or removal of water-based renewable energy generation pilot projects and their attendant features. Limited to “pilot projects.” Placement of a transmission line on bed of a navigable water of U.S. from generation unit to land-based collection facility is considered a structure under section 10 and is not considered a loss of waters of the U.S. Prohibits activities in coral reefs. Structures in anchorage areas must comply with U.S. Coast Guard requirements. Does not authorize structures in established danger zones, restricted areas, etc. Upon completion of pilot project, associated structures and/or fills must be removed unless authorized by separate DA permit. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate and complete linear projects. An activity located on an existing, maintained Corps project requires separate approval under 33 USC 408. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.	TCEQ – Condition – 1,500 linear foot Stream Impact Limit & BMPs
<b>NWP 53</b> – Removal of Low-Head Dams	10/404	none	all activities	yes	all waters of the U.S.	none.	Authorizes the removal of low-head dams for stream restoration and public safety. “Low-head dam” defined as a dam built to pass upstream flows over the entire width of the dam crest on a continual and uncontrolled basis. As a general rule, compensatory mitigation is not required for these activities because they result in net increases in stream ecological functions and services. NWP does not authorize regulated activities for restoration of stream in vicinity of former impoundment (these activities may be authorized by NWP 27), or bank stabilization activities (these activities may be authorized by NWP 13).	TCEQ – Condition BMPs
<b>NWP 54</b> – Living Shorelines	10/404	<ul style="list-style-type: none"> <li>30 feet channelward of mean low water in tidal waters or mean high water line in Great Lakes (unless waived by DE)</li> <li>500 feet along the bank (unless waived by DE)</li> </ul>	all new activities; PCN not required for repair and maintenance of existing living shorelines	yes	all waters of the U.S.	none.	Authorizes construction and maintenance of living shorelines for shore erosion control. Living shorelines consist of natural and man-made materials. May include stone or reef structures to protect the shoreline from low to moderate energy waves. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. Does not authorize beach nourishment or land reclamation activities. Discharges of dredged or fill material into waters of the United States, including the construction of fill structures such as sills or breakwaters, must be the minimum necessary for the establishment and maintenance of the living shoreline.	TCEQ – Condition BMPs



Nationwide Permit	Statutory Authority	Limits	NWP Pre-Construction Notification (PCN) Threshold <sup>2</sup>	Delineation Required?	Applicable Waters	Changes	Other Information	TCEQ/TxRRC Notable (Not Inclusive) Conditions
<b>NWP 55</b> – Seaweed Mariculture Activities	10	none	all activities	yes	navigable waters of the U.S., including federal waters on the outer continental shelf	new NWP	Prohibits the cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.	TCEQ – No Condition
<b>NWP 56</b> – Finfish Mariculture Activities	10	none	all activities	yes	navigable waters of the U.S., including federal waters on the outer continental shelf	new NWP	Prohibits the cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 or the cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.	TCEQ – No Condition
<b>NWP 57</b> – Electric Utility Line and Telecommunications Activities	10/404	<ul style="list-style-type: none"><li>1/2-acre</li></ul>	<ul style="list-style-type: none"><li>a section 10 permit is required</li><li>discharges that result in the loss of &gt;1/10 acre</li></ul>	yes, if PCN required	all waters of the U.S.	new NWP	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.	TCEQ – Condition BMPs
electric utility lines and telecommunications lines					all waters of the U.S., including navigable waters		Must restore area to pre-construction contours.	
electric utility line and telecommunications substations					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters			
foundations for overhead electric utility line or telecommunication line towers, poles, and anchors					all waters of the U.S.			
access roads					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters		Access roads must be constructed to minimize adverse effects to waters of the U.S.	





Nationwide Permit	Statutory Authority	Limits	NWP Pre-Construction Notification (PCN) Threshold <sup>2</sup>	Delineation Required?	Applicable Waters	Changes	Other Information	TCEQ/TxRRC Notable (Not Inclusive) Conditions
<b>NWP 58</b> – Utility Line Activities for Water and Other Substances	10/404	<ul style="list-style-type: none"><li>1/2-acre</li></ul>	<ul style="list-style-type: none"><li>a section 10 permit is required</li><li>discharges that result in the loss of &gt;1/10 acre</li></ul>	yes, if PCN required	all waters of the U.S.	new NWP	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.	TxRRC –Condition – No Mechanized Land Clearing & BMPs TCEQ – Condition BMPs
utility lines					all waters of the U.S., including navigable waters		Must restore area to pre-construction contours.	
utility line substations					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters			
foundations for above-ground utility lines					all waters of the U.S.			
access roads					non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters		Access roads must be constructed to minimize adverse effects to waters of the U.S.	

<sup>1</sup> This table is intended to provide **general** information on the 2021 and 2017 nationwide permits. The 2021 nationwide permits, in which 12 existing nationwide permits have been reissued and 4 new nationwide permits have been issued along with changes to the general conditions and definitions, were published in the *Federal Register* (86 FR2744), on January 13, 2021. The final rule for the 2021 nationwide permits includes revised general conditions and definitions. The 12 existing 2021 NWPs replace 12 of the existing 2017 NWPs, and those NWPs are indicated in rows with grey background. Forty of the 2017 nationwide permits continue to be in effect until they are replaced by reissued NWPs. The text of the 2017 nationwide permits and their general conditions were published in the January 6, 2017, issue of the *Federal Register* (82 FR 1860). For the 2017 NWPs that remain effective, the “Changes” column indicates the changes that were published in the September 15, 2020, issue of the *Federal Register* (85 FR 57298) but will not be finalized at this time. For the 12 existing permits that are reissued, the “Changes” column indicates the changes that were finalized in the rule published in the *Federal Register* (86 FR2744).

<sup>2</sup> These PCN thresholds are based off the terms of the NWP itself. It is incumbent upon the user of the NWP to read the general and Texas regional conditions to determine if the proposed project’s site-specific verification would require a PCN. Example: General Condition 18 Endangered Species could turn any non-PCN NWP activity to a PCN NWP activity.

Summary of the 2021 General Condition Notable (Not Inclusive) Changes

General Condition	Triggers PCN	Changes	Other Information	TCEQ/TxRRC Notable (Not Inclusive) Conditions
<b>GC 13</b> – Removal of Temporary Structures and Fills	No	Added wording specifically for structures.	“Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued.”	TCEQ – Condition BMPs TxRRC – Condition BMPs
<b>GC 23</b> – Mitigation	No	Under (d), added mitigation threshold for streams as: 3/100 (0.003) acres.	“Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre <u>and</u> 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 <u>activity-specific waiver</u> of this requirement.”	TxRRC – Condition – Copy on all Waivers
<b>GC 25</b> – Water Quality	Case-by-Case	Clarifies wording regarding the applicant receiving an individual WQC and submitting it to the Corps for the Corps to then review the proposal under the NWP program. Examples: -2017 NWP 16. -Any project that exceeds 1,500 LF. -TxRRC’s utility Mechanized Land Clearing.	“...the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.”	TxRRC- Attachment 2, 3, 4 TCEQ – Attachment 2, 3, 4