

**2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION & PRE-CONSTRUCTION INFORMATION**

NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
NWP 1 - Aids to Navigation.	No additional CZM conditions.	See Attached	NWP 1 - No PCN requirements. <i>Subject to all applicable NWP general conditions.</i>
NWP 2 - Structures in Artificial Canals.	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	NWP 2 - No PCN requirements. <i>Subject to all applicable NWP general conditions.</i>
NWP 3 - Maintenance.	<p>a) NWP 3 shall not be used where adverse impacts to wetlands, submerged grassbeds, or oyster reefs would occur.</p> <p>b) NWP 3 shall not be used to authorized the placement of new riprap in an area that was previously unarmored or to authorized placement of additional riprap to expand the boundaries of the protected area on properties fronting the Gulf of Mexico and Pelican Bay, Weeks Bay, or the Point aux Pines wetland system owned by the Board of Trustees of the University of Alabama.</p> <p>c) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 3: 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 31). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions</i></p> <p><u>Note:</u> 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.</p>
NWP 4 - Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	NWP 4 - No PCN requirements. <i>Subject to all applicable NWP general conditions.</i>

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NWP 5 - Scientific Measurement Devices.	<p>a) NWP 5 shall not be used where adverse impacts to wetland, submerged grassbeds, or oyster reefs would occur.</p> <p>b) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 5 - No PCN requirements.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 6 - Survey Activities.	No additional CZM conditions.	See Attached	<p>NWP 6 - No PCN requirements.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 7 - Outfall Structures and Associated Intake Structures.	<p>a) NWP 7 shall not be used where adverse impacts to wetland, submerged grassbeds, or oyster reefs would occur.</p> <p>b) NWP 7 shall not be used to authorize outfall structures that would discharge to the Gulf of Mexico, Pelican Bay, Weeks Bay, Dauphin Island Audubon Sanctuary, or the Point aux Pines wetland system owned by the Board of Trustees of the University of Alabama.</p> <p>c) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 7 - The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 8 - Oil and Gas Structures on the Outer Continental Shelf.	No additional CZM conditions.	See Attached	<p>NWP 8 - The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 10)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

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NWP 9 - Structures in Fleeting and Anchorage Areas	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	NWP 9 - No PCN requirements. <i>Subject to all applicable NWP general conditions.</i>
NWP 10 - Mooring Buoys <b>(NOT AUTHORIZED BY ALABAMA STATE LAW IN WATERS OVER STATE-OWNED SUBMERGED LAND)</b>	Not authorized for use within the coastal area of Alabama.	See Attached	NWP 10 - No PCN requirements. <i>Subject to all applicable NWP general conditions.</i>
NWP 11 - Temporary Recreational Structures	No additional CZM conditions.	See Attached	NWP11 – PCN not required, except at Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually.  <i>Subject to all applicable NWP general conditions.</i>  -Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.
NWP 12 - Utility Line Activities	<p>a) NWP 12 shall not be used where adverse impacts to submerged grassbeds or oyster reefs would occur.</p> <p>b) NWP 12 shall not be used to authorize the permanent placement of fill in waters of the United States, including wetlands, for the new construction or expansion of utility substations.</p> <p>c) The permittee shall provide compensatory mitigation for all permanent wetland and/or stream impacts authorized under NWP 12.</p> <p>d) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all</p>	See Attached	<p>NWP 12 - The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met:</p> <p>(1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way;</p> <p>(2) A Section 10 permit is required;</p> <p>(3) The utility line in waters of the United States, excluding overhead lines, exceeds 500 feet;</p> <p>(4) The utility line is placed within jurisdictional area (i.e., water of the United States), and it runs parallel to a stream bed that is within that jurisdictional area;</p> <p>(5) Discharges that result in the loss of greater than 1/10-acre of waters of the United States;</p> <p>(6) Permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or</p>

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NWP 12 - Utility Line Activities (continued)	appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.		<p>(7) Permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions</i></p> <p><u>Note 1:</u> Where the proposed utility line is constructed or installed 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 of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the utility line to protect navigation. <u>Note 2:</u> Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fill. <u>Note 3:</u> 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 Section 9 of the Rivers and Harbors Act of 1899. 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 NWP15). <u>Note 4:</u> For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.</p>
NWP 13 - Bank Stabilization	Not authorized for use in the coastal area of Alabama.	See Attached	<p>NWP 13: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity:</p> <ul style="list-style-type: none"> <li>(1) Involves discharges into special aquatic sites; or</li> <li>(2) Is in excess of 500 feet in length;</li> <li>(3) Will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or high tide line.</li> </ul> <p>(See general condition 31.) (Sections 10 and 404)</p>

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NWP 13 – Bank Stabilization (continued)			<p><i>Subject to all applicable NWP general conditions.</i></p> <p>-Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>
NWP 14 - Linear Transportation Projects	<p>a) A copy of the PCN required by the Corps shall be submitted to the ADEM's Coastal Program office.</p> <p>b) Notification, prior to commencement of work, shall be provided by the applicant to the ADEM/Coastal Facility for activities impacting 0.10 acre or more of wetlands and/or more than 100 linear feet of stream.</p> <p>c) NWP 14 shall not be utilized for activities involving the construction or expansion of a multiple unit residential, commercial, or institutional development.</p> <p>d) Activities authorized by NWP 14 shall demonstrate avoidance and minimization of impacts to wetlands and waters to the maximum extent practicable to include demonstration of maximum utilization of all available upland areas.</p> <p>e) The permittee shall provide compensatory mitigation for all wetland and/or stream impacts authorized under NWP 14.</p> <p>f) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 14: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if:</p> <p>(1) The loss of waters of the United States exceeds 1/10-acre; or</p> <p>(2) There is a discharge in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> Some discharges 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).</p>

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NWP 15 - U.S. Coast Guard Approved Bridges	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	NWP 15: No pre-construction requirement. <i>Subject to all applicable NWP general conditions.</i>
NWP 16 - Return Water From Upland Contained Disposal Areas	<p>a) For projects authorized under NWP16 the permittee shall ensure that salinity of return waters from dredge disposal sites is similar to the salinity of the receiving waters.</p> <p>b) The discharge from the upland contained disposal area(s) shall not cause a violation of State water quality standard or applicable 401 Water Quality Certification conditions.</p>	See Attached	NWP 16: No pre-construction requirement. <i>Subject to all applicable NWP general conditions.</i>
NWP 17 - Hydropower Projects	No additional CZM conditions.	See Attached	NWP 17: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)  <i>Subject to all applicable NWP general conditions.</i>
NWP 18 - Minor Discharges	<p>a) Impacts authorized under NWP 18 may be considered only after maximum use of all available uplands is exhausted and impacts to wetlands are avoided to the maximum extent practicable. In no case shall impacts to wetlands exceed 0.1 acre (4,356 square feet).</p> <p>b) A copy of the PCN required by the Corps shall be submitted to the ADEM's Coastal Program office.</p> <p>c) The permittee must demonstrate in the submitted PCN maximum utilization of all available upland areas and avoidance of impacts to wetlands to the maximum extent practicable.</p>	See Attached	NWP 18: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge 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 is in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)  <i>Subject to all applicable NWP general conditions.</i>

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NWP 18 – Minor Discharges (continued.)	<p>d) For activities proposed on legally platted lots or parcels, NWP 18 is restricted to only those in existence on or before 14 August 1979.</p> <p>e) When wetland impacts are proposed on legally platted lots or parcels, the PCN must include a copy of the legal plat.</p> <p>f) The permittee shall provide compensatory mitigation for all wetland impacts authorized under NWP 18.</p> <p>g) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>		
NWP 19 - Minor Dredging	<p>a) NWP 19 shall not be used where adverse impacts to oyster reefs or shellfish beds would occur.</p> <p>b) NWP 19 shall not be used to authorize activities in the Gulf of Mexico or Pelican Bay in an area from ADEM's construction control line to a point 1,500 feet seaward of mean high tide.</p> <p>c) Dredged material shall be placed in an approved upland area and properly contained to prevent re-entering the waterway or wetlands unless specifically authorized by other approved permits or exemptions.</p> <p>d) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 19: No pre-construction requirement.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

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NWP 20 – Response Operations for Oil and Hazardous Substances	Any disturbed areas resulting from oil spill cleanup authorized under NWP 20 shall be returned to pre-disturbance elevations and contours.	See Attached	NWP 20: No pre-construction requirement.  <i>Subject to all applicable NWP general conditions.</i>
NWP 21 - Surface Coal Mining Operations.	Not applicable within the coastal area of Alabama	See Attached	NWP 21: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)  <i>Subject to all applicable NWP general conditions.</i>
NWP 22 - Removal of Vessels.	<p>a) A plan shall be provided to address the restoration of any wetland areas disturbed as a result of vessel removal authorized under NWP 22.</p> <p>b) NWP 22 shall not be used to authorize vessel removal related to a catastrophic natural disaster (e.g. hurricane, discrete flooding event, etc.) during the time an applicable Temporary State/Regional General Permit for Emergency Vessel Removal related to the natural disaster recovery is in effect.</p>	See Attached	<p>NWP 22: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity, if:</p> <p>(1) The vessel is listed or eligible for listing in the National Register of Historic Places; or</p> <p>(2) The activity is conducted in a special aquatic site, including coral reefs and wetlands. (See general condition 31.)</p> <p>If condition 1 above is triggered, the permittee cannot commence the activity until informed by the district engineer that compliance with the "Historic Properties" general condition is completed. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note 1:</u> If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required. <u>Note 2:</u> Compliance with general condition 19, 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 likelihood that submerged vessels may be historic properties.</p>

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NWP 23 - Approved Categorical Exclusions.	No additional CZM conditions.	See Attached	<p>NWP 23: The activities that require pre-construction notification are listed in RGL 05-07 (See general condition 31) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> 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, which is available at: <a href="http://www.usace.army.mil/CECW/Pages/rqlsindx.aspx">http://www.usace.army.mil/CECW/Pages/rqlsindx.aspx</a> - Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same Web site.</p>
NWP 24 - Indian Tribe or State Administered Section 404 Programs.	Not applicable within the coastal area of Alabama	See Attached	<p>NWP 24: No pre-construction notification required.</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note 1:</u> As of the date of promulgation of this NWP, only New Jersey and Michigan administer their own section 404 programs. <u>Note 2:</u> Those activities that do not involve an Indian Tribe or State 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 USC 591) (see 33 CFR 322.4(b))</p>
NWP 25 - Structural Discharges.	<p>a) NWP 25 shall not be used in areas where adverse impacts to oyster reefs or submerged grassbeds would occur.</p> <p>b) Prior to commencement of activities that would impact or be located over State-Owned</p>	See Attached	<p>NWP 25: No pre-construction notification required.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

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NWP 25 - Structural Discharges (continued)	Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.		
NWP 26 - [Reserved]			NWP 26: [Reserved]
<p>NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities.</p> <p>NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities (continued)</p>	<p>a) Notification shall be provided to ADEM Coastal/Facility Section of all activities authorized under NWP 27.</p> <p>b) NWP 27 shall not be used to authorize construction of open water areas in existing coastal area wetlands unless the impacted wetland acreage is replaced elsewhere within the restoration, establishment, and/or enhancement project area.</p> <p>c) NWP 27 shall not be used to separately authorize permittee responsible compensatory mitigation for projects being reviewed through the Individual Permit process.</p> <p>d) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 27: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31), except for the following activities:</p> <p>(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 U.S. FWS, NRCS, FSA, NMFS, NOS, USFS, or their designated state cooperating agencies;</p> <p>(2) 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</p> <p>(3) 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. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions</i></p> <p><u>Note:</u> 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 intended to be permanent.</p> <p><u>Reporting:</u> For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of : (1) The binding stream</p>

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NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities (continued)			enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the USFWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies; (2) 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 Guidance standards; or (3) the reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by OSMRE or the applicable state agency. 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.
NWP 28 - Modifications of Existing Marinas.	<p>a) Notification, prior to commencement of work, shall be provided by the applicant to the ADEM Coastal/Facility Section for marina facilities having 10 or more wet slips.</p> <p>b) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	NWP 28: No pre-construction notification required.  <i>Subject to all applicable NWP general conditions.</i>
NWP 29 - Residential Developments.	Not authorized for use within the coastal area of Alabama.	See Attached	NWP 29: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31) (Sections 10 and 404)  <i>Subject to all applicable NWP general conditions.</i>
NWP 30 - Moist Soil Management for Wildlife.	Not authorized for use within the coastal area of Alabama.	See Attached	NWP 30: No pre-construction notification requirement  <i>Subject to all applicable NWP general conditions.</i>  <u>Note:</u> 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 CFR 323.4).

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NWP 31 - Maintenance of Existing Flood Control Facilities.	No additional CZM conditions.	See Attached	<p>NWP 31: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted. (see general condition 31) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 32 - Completed Enforcement Actions.	No additional CZM conditions.	See Attached	<p>NWP 32: Notification through non-judicial settlement agreement with Corps, court decision, consent decree, or settlement agreement</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 33 - Temporary Construction, Access, and Dewatering.	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	<p>NWP 33: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (see general condition 31) (Sections 10 and 404) The PCN must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 34 - Cranberry Production	Not applicable within coastal Alabama	See Attached	<p>NWP 34: 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 31.) (Section 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 35 - Maintenance Dredging of Existing Basins.	Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.	See Attached	<p>NWP 35: No pre-construction notification requirement.</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

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NWP 36 - Boat Ramps.	<p>a) NWP 36 shall not be used on properties fronting the Gulf of Mexico or Pelican Bay.</p> <p>b) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 36: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if:</p> <p>(1) The discharge into waters of the United States exceeds 50 cubic yards; or</p> <p>(2) The boat ramp exceeds 20 feet in width.</p> <p>(See general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 37 - Emergency Watershed Protection and Rehabilitation.	No additional CZM conditions.	See Attached	<p>NWP 37: 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 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 38 - Cleanup of Hazardous and Toxic Waste.	No additional CZM conditions.	See Attached	<p>NWP 38: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> 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.</p>
NWP 39 - Commercial and Institutional Developments.	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 39: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> 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 to the Department of Defense Siting</p>

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NWP 39 - Commercial and Institutional Developments (continued)			Clearinghouse, which will evaluate potential effects on military activities.
NWP 40 - Agricultural Activities	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 40: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31.) (Section 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> Some discharges 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) exception because of the recapture provision at Section 404(f)(2).</p>
NWP 41 - Reshaping Existing Drainage Ditches.	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 41: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity, if more than 500 linear feet of drainage ditch will be reshaped. (See general condition 31.) (Section 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 42 - Recreational Facilities	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 42: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 43 - Stormwater Management Facilities	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 43: For the construction of new stormwater management facilities, or the expansion of existing stormwater management facilities, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) Maintenance activities do not require pre-construction notification if they are limited to restoring original design capacities of the stormwater management facility. (Section 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

## 2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION &amp; PRE-CONSTRUCTION INFORMATION

NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
NWP 44 - Mining Activities.	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 44: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31). If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 45 - Repair of Uplands Damaged by Discrete Events.	<p>a) NWP 45 shall not be used where adverse impacts to wetlands, submerged grassbeds, or oyster reefs would occur unless the Department determines that the project activity is not subject to the requirements of the Alabama Coastal Area Management Program.</p> <p>b) Prior to commencement of activities that would impact or be located over State-Owned Submerged Lands, the permittee shall obtain all appropriate authorizations required by the Alabama Department of Conservation and Natural Resources-State Lands Division.</p>	See Attached	<p>NWP 45: The permittee must submit a pre-construction notification to the district engineer (see general condition 31) within 12-months of the date of the damage. The pre-construction notification should include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Sections 10 and 404).</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> The uplands themselves that are lost as a result of a storm flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or the high tide line (in tidal waters) (See also 33 CVFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.</p>
NWP 46 - Discharges in Ditches.	No additional CZM conditions.	See Attached	<p>NWP 46: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404).</p> <p><i>Subject to all applicable NWP general conditions.</i></p>
NWP 47 – [Reserved]	.		NWP 47 [Reserved]
NWP 48 - Existing Commercial Shellfish Aquaculture Activities.	Not authorized for use within the coastal area of Alabama.	See Attached	<p>NWP 48: The permittee must submit a pre-construction notification to the district engineer if:</p> <p>(1) The activity will include a species not previously cultivated in the waterbody; or</p> <p>(3) There is a change in culture methods (e.g., from</p>

## 2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION &amp; PRE-CONSTRUCTION INFORMATION

NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
NWP 48 - Existing Commercial Shellfish Aquaculture Activities (continued)			<p>bottom culture to floating or suspended); or            (4) Dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation; or            (5) The activity occurs in a new project area.            (See general condition 31).</p> <p>In addition to the information required by paragraph (b) of general condition 31, the pre-construction notification must also include the following information: (a) map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (b) the name(s) of the cultivated species; and (c) whether canopy predator nets are being used. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note 1:</u> The permittee should notify the applicable U.S. Coast Guard office regarding the project. <u>Note 2:</u> 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. <u>Note 3:</u> The non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 defines "aquatic nuisance species" as "a non-indigenous 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."</p>
NWP 49 - Coal Remining Activities.	Not applicable within the coastal area of Alabama	See Attached	<p>NWP 49: 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 31.) (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p>

## 2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION &amp; PRE-CONSTRUCTION INFORMATION

NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
NWP 50 - Underground Coal Mining Activities.	Not applicable within the coastal area of Alabama	See Attached	<p>NWP 50: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31). If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)</p> <p><i>Subject to all applicable NWP general conditions.</i></p> <p><u>Note:</u> Coal preparation and processing activities outside of the mine site may be authorized by NWP 21.</p>
NWP 51 – Land-Based Renewable Energy Generation Facilities	Requires an individual review by ADEM to determine consistency with the Alabama Coastal Area Management Plan.	See Attached	<p>NWP 51: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31) (Sections 10 and 404)</p> <p><u>Note 1:</u> Utility lines constructed to transfer the energy from the land-based renewable 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 and complete linear project. Those utility lines may be authorized by NWP 12 or another DA authorization. If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require DA authorization are discharges of dredged or fill material into waters of the US to construct, maintain, repair, and/or remove utility lines, the NWP 12 shall be used if those activities meet the terms and conditions of NWP12, including any applicable regional conditions and any case-specific conditions imposed by the district engineer. <u>Note 2:</u> 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 to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.</p>

**2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION & PRE-CONSTRUCTION INFORMATION**

NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
<p>NWP 52 – Water-Based Renewable Energy Generation Pilot Projects</p>	<p>Requires an individual review by ADEM to determine consistency with the Alabama Coastal Area Management Plan.</p>	<p>See Attached</p>	<p>NWP 52: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31) (Sections 10 and 404)</p> <p><u>Note 1:</u> 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 and complete linear project. Those utility lines may be authorized by NWP 12 or another DA authorization.</p> <p><u>Note 2:</u> An activity that is located on an existing locally or federally maintained US Army Corps of Engineers project requires separate approval from the Chief of Engineers under 33 U.S.C. 408. <u>Note 3:</u> If the pilot project, including any transmission lines, is placed in navigable waters of the United States (i.e., Section 10 waters) with the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the utility line to protect navigation.</p> <p><u>Note 4:</u> 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 to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.</p>

<b>2012 NATIONWIDE PERMIT (NWP) PROGRAM - SUMMARY - ALABAMA CERTIFICATION &amp; PRE-CONSTRUCTION INFORMATION</b>
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NWP Number	Coastal Zone Management (CZM) Conditions	Water Quality	Pre-Construction Notification Requirements
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**CONTACT INFORMATION:**

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 Mobile, Alabama 36628-0001  
 Telephone: 251-690-2658

Alabama Dept of Environmental Management  
 Coastal Programs  
 4171 Commanders Drive  
 Mobile, Alabama 36615  
 Telephone: 251-432-6533

Alabama Dept of Conservation and Natural Resources  
 State Lands Division - Coastal  
 31115 Five Rivers Boulevard  
 Spanish Fort, Alabama 36577  
 Telephone: 251-621-1216

Alabama Dept of Environmental Management  
 1500 Coliseum Boulevard  
 Montgomery, Alabama 36110  
 Telephone: 334-394-4311

## Attachments:

- ADEM 401 Water Quality Certification for the 2012 NWP Program.

## Helpful Websites:

<http://www.sam.usace.army.mil/RD/reg>

<http://www.usace.army.mil/cw/cecwo/reg/>

[http://www.usace.army.mil/cw/cecwo/reg/cwa\\_guide/cwa\\_guide.htm](http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/cwa_guide.htm)