

Instructions: Prospective permittees seeking Nationwide Permit (NWP) verification from the Honolulu District (POH) may require an individual Coastal Zone Management (CZM) Federal Consistency Concurrence and/or Section 401 Water Quality Certification (WQC) depending on the activity and the location (state or territory). Reference table below. NWPs demarcated "No" were issued CZM concurrence or WQC without conditions or exceptions; individual certification is NOT required. NWPs demarcated "Maybe" received CZM concurrence or WQC either with conditions or exceptions; individual certification may be required, see footnotes for more direction. NWPs demarcated "Yes" have not received CZM concurrence or WQC; individual certification IS required. Only the certifying agency can determine if an individual CZM concurrence or WQC is required. Contact the respective certifying agency directly.

POH CZM Consistency and Section 401 Water Quality Determinations for the 2017 NWPs								
NWP#	Individual CZM Concurrence Required?				Individual WQC Required?			
	Hawaii	Guam	CNMI	American Samoa	Hawaii	Guam	CNMI	American Samoa
1	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
2	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
3	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
4	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
5	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
6	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
7	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
8	Yes	Yes	Yes	No	Yes	No	Yes	No
9	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
10	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
11	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
12	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	Yes	Yes	No
13	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	Yes	Yes	No
14	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	Yes	Yes	No
15	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
16	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
17	Yes	Yes	Yes	No	Yes	Maybe ⁶	Yes	No
18	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
19	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
20	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
22	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
23	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
25	No	Maybe ²	Maybe	No	Yes	Maybe ⁶	Yes	No
27	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
28	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
29	Yes	Yes	Yes	No	Yes	Yes	Yes	No
30	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
31	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
32	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
33	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
35	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
36	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
37	No	Maybe ²	Maybe ⁴	No	Yes	No	Yes	No
38	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
39	Yes	Yes	Yes	No	Yes	Maybe ⁶	Yes	No
40	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	No	Yes	No
41	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
42	Yes	Yes	Yes	No	Yes	Maybe ⁶	Yes	No
43	No	Maybe ²	Maybe	No	Yes	Yes	Yes	No
45	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	No	Yes	No
46	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
48	No	Maybe ²	Maybe ⁴	No	Yes	Yes	Yes	No
51	Maybe ¹	Maybe ³	Maybe ⁵	No	Yes	Yes	Yes	No
53	No	Maybe ²	Maybe ⁴	No	Yes	Maybe ⁶	Yes	No
54	Yes	Maybe ²	Yes	No	Yes	Yes	Yes	No
Certifying Agency:	State Office of Planning, CZM Program	Bureau of Statistics and Plans, Coastal Management Program	Bureau of Environmental and Coastal Quality, Coastal Resources Management	American Samoa Government, Department of Commerce	State Department of Health, Clean Water Branch	Guam Environmental Protection Agency	Bureau of Environmental and Coastal Quality, Environmental Quality	American Samoa Environmental Protection Agency

Note: Revoked NWPs 21, 24, 34, 44, 49, 50, and 52 and Reserved NWPs 26 and 47 are not reported on this table

¹ Individual CZM required for activities that fall under NWP-specific CZM exceptions. See CZM determination 22 Feb 17.

² Individual CZM required for activities that will or are likely to result in permanent loss of wetland or other special aquatic sites.

³ Individual CZM required for activities that fall under NWP-specific CZM exceptions. See CZM determination 3 Apr 17.

⁴ Individual CZM required for activities that will or are likely to result in permanent loss of wetland or other special aquatic sites.

⁵ Individual CZM required for activities that fall under NWP-specific CZM exceptions. See CZM determination 21 Mar 17.

⁶ Individual 401WQC required for all activities except those that occur in tidal waters >10 fathoms deep.

STATE OF HAWAII CZM CONDITIONAL CONCURRENCES:

(as excerpted from State of Hawaii CZM determination letter dated February 22, 2017 and clarified April 5, 2017 for the 2017 NWP)

Federal consistency conditional concurrences are issued for NWPs 12, 13, 14, 40, 45, and 51. No further CZM review or verification is required for activities authorized by these NWPs unless an activity falls under one of the CZM exceptions listed below. Individual federal consistency reviews are required for activities falling under a CZM conditional concurrence exception.

If the requirements for conditional concurrences specified in 15 CFR § 930.4(a), (1) through (3), are not met, then all parties shall treat these conditional concurrences as an objection pursuant to 15 CFR Part 930, Subpart C.

NWP 12 Utility Line Activities.

The following NWP 12 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. NWP 12 activities that will result in the permanent loss of greater than 0.10-acre to a special aquatic site for the total project.
2. Utility lines: Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet. 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 do not require CZM federal consistency review or verification for NWP 12 authorization.
3. Access Roads: Construction of access roads for the construction and maintenance of utility lines involving discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet. Maintenance activities for existing, previously authorized access roads do not require CZM federal consistency review or verification for NWP 12 authorization.

NWP 13 Bank Stabilization.

The following NWP 13 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet.
2. Shoreline stabilization activities, structures, and fills, both permanent and temporary, occurring on oceanfront sites.

NWP 14 Linear Transportation Projects.

The following NWP 14 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. NWP 14 activities that will result in the permanent loss of greater than 0.10-acre to a special aquatic site for the total project.

2. Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet.

NWP 40 Agricultural Activities.

The following NWP 40 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. NWP 40 activities that will result in the permanent loss of greater than 0.10-acre to a special aquatic site for the total project.
2. Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet.

NWP 45 Repair of Uplands Damaged by Discrete Events.

The following NWP 45 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. NWP 45 activities that will result in the permanent loss of greater than 0.10-acre to a special aquatic site for the total project.
2. Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet.

NWP 51 Land-Based Renewable Energy Generation Facilities.

The following NWP 51 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the Hawaii CZM Program enforceable policies:

1. NWP 51 activities that will result in the permanent loss of greater than 0.10-acre to a special aquatic site for the total project.
2. Discharges of dredged or fill material in any stream, including intermittent and ephemeral streams, that exceed 200 linear feet.

If you have any questions, please call John Nakagawa of the State of Hawaii CZM Program at (808) 587-2878.

GUAM CZM CONDITIONAL CONCURRENCES:

(as excerpted from Guam Coastal Management Program (GCMP) CZM determination letter dated April 3, 2017 for the 2017 NWP)

Federal consistency conditional concurrences are issued for NWPs 12, 13, 14, 40, 45, and 51. No further CZM review or verification is required for activities authorized by these NWPs unless an activity falls under one of the CZM exceptions listed below. Individual federal consistency reviews are required for activities falling under a CZM conditional concurrence exception. If the requirements for conditional concurrences specified in 15 CFR §930.4(a), (1) through (3), are not met, then all parties shall treat these conditional concurrences as an objection pursuant to 15 CFR Part 930, Subpart C.

NWP 12 Utility Line Activities.

The following NWP 12 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. NWP 12 activities that will result in the permanent loss of wetland or other special aquatic site within the proposed project area.
2. Utility lines: Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.
3. Access Roads: Construction of access roads for the construction and maintenance of utility lines involving discharges of dredged or fill material in any stream, including intermittent and ephemeral streams. Maintenance activities for existing, previously authorized access roads do not require individual CZM review or verification for NWP 12 authorization.

NWP 13 Bank Stabilization.

The following NWP 13 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.
2. Shoreline stabilization activities, structures, and fills, both permanent and temporary, occurring on oceanfront sites.

NWP 14 Linear Transportation Projects.

The following NWP 14 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. NWP 14 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

NWP 40 Agricultural Activities.

The following NWP 40 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. NWP 40 activities that will result in the permanent loss of a special aquatic site within the proposed project area.

2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

NWP 45 Repair of Uplands Damaged by Discrete Events.

The following NWP 45 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. NWP 45 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

NWP 51 Land-Based Renewable Energy Generation Facilities.

The following NWP 51 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the GCMP enforceable policies:

1. NWP 51 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

If you have any questions, please contact Ms. Tina Mafnas, Planner at 475-9668 or Mr. Edwin Reyes, Guam Coastal Management Administrator at 475-9672 or email tina.mafnas@bsp.guam.gov or edwin.reyes@bsp.guam.gov, respectively.

CNMI CZM CONDITIONAL CONCURRENCES:

(as excerpted from CNMI CZM Program CZM determination letter dated March 21, 2017 for the 2017 NWP's)

Federal consistency conditional concurrences are issued for NWP's 12, 13, 14, 40, 45, and 51. No further CZM review or verification is required for activities authorized by these NWP's unless an activity falls under one of the CZM exceptions listed below. Individual federal consistency reviews are required for activities falling under a CZM conditional concurrence exception. If the requirements for conditional concurrences specified in 15 CFR § 930.4(a), (1) through (3), are not met, then all parties shall treat these conditional concurrences as an objection pursuant to 15 CFR Part 930, Subpart C.

NWP 12 Utility Line Activities.

The following NWP 12 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. NWP 12 activities that will result in the permanent loss of wetland or other special aquatic site within the proposed project area.
2. Utility lines: Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.
3. Access Roads: Construction of access roads for the construction and maintenance of utility lines involving discharges of dredged or fill material in any stream, including intermittent and ephemeral streams. Maintenance activities for existing, previously authorized access roads do not require individual CZM review or verification for NWP 12 authorization.

NWP 13 Bank Stabilization.

The following NWP 13 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.
2. Shoreline stabilization activities, structures, and fills, both permanent and temporary, occurring on oceanfront sites.

NWP 14 Linear Transportation Projects.

The following NWP 14 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. NWP 14 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams

NWP 40 Agricultural Activities.

The following NWP 40 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. NWP 40 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

NWP 45 Repair of Uplands Damaged by Discrete Events.

The following NWP 45 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. NWP 45 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams.

NWP 51 Land-Based Renewable Energy Generation Facilities.

The following NWP 51 activities can have significant coastal effects and, therefore, need to be reviewed individually for consistency with the CNMI CZM PROGRAM enforceable policies:

1. NWP 51 activities that will result in the permanent loss of a special aquatic site within the proposed project area.
2. Discharges of dredged or fill material in any wetland or stream, including intermittent and ephemeral streams

If you have any questions, please contact Erin Derrington, Permit Manager of our CZM Program at (670) 664-8302.