

Reference: RGL 81-01

Subject: NATIONWIDE PERMIT-MAINTENANCE

Title: MAINTENANCE DREDGING / NATIONWIDE PERMITS

Issued: 01/08/81 Expires: 12/31/83

Originator: DAEN-CWO-N

**Description: NATIONWIDE PERMIT TO MAINTAIN EXISTING STRUCTURE
IN SEC 10 WATERS DOES NOT AUTHORIZE MAINTENANCE DREDGING
(1977 REGS).**

1. At least two districts have misinterpreted the nationwide permit found at 33 CFR 322.4(c) as being applicable to maintenance dredging.
2. Nationwide permit 322.4(c) authorizes the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or of any currently serviceable structure constructed prior to the requirement for authorization. The term "structure" as defined in 322.2(b) does not include a channel, canal, or other excavated prism. Maintenance dredging of such is, therefore, not authorized by nationwide permit 322.4 (c).
3. Similarly, the repair of certain fill structures authorized by nationwide permit 323.4-3(a)(5) does not allow material to be obtained from navigable waters of the United States without separate Section 10 authorization, even if that material eroded off the fill structure.
4. This guidance is effective through 31 December 1983 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: