

PUBLIC NOTICE  
ANNOUNCING THE FINAL DECISION ON THE REVOCATION  
OF SELECT NATIONWIDE PERMITS-2007

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On March 12, 2007, the U. S. Army Corps of Engineers published a notice in Part II of the Federal Register (72 FR 11092 – 11198) announcing the re-issuance of all existing Nationwide Permits (NWP), general conditions and definitions with some modifications, issuance of six new NWPs, the adoption of two new NWP general conditions and thirteen new definitions. The goal of the NWP program is to protect the aquatic environment and the public interest while effectively authorizing activities that have minimal individual and cumulative adverse effects on the aquatic environment.

On November 3, 2006, the Chicago District published its intention to revoke previously suspended nationwide permits, and add regional conditions to NWP 45 and NWP 46. For information on the nationwide permit program in the Chicago District, visit our website. Interested parties were invited to provide written comments on the proposed revocation. No written comments were received during the comment period.

On November 16, 2007, the U.S. Army Corps of Engineers, Great Lakes and Ohio River Division Engineer, revoked selected NWPs at the request of the Chicago District. The approval of the proposed revocation concludes this process. Attached is an index of all permits revoked or retained by the Chicago District, as well as information on the new regional conditions.

We have been advised by our Headquarters that NWP 47 should not be used at this time, as the Pipeline Repair and Environmental Guidance System (PREGS) sponsored by the U.S. Department of Transportation is not yet operational. We will notify the public if the status changes.

If you have any questions, please contact Paul Leffler of my staff by telephone at (312) 846-5529, or email at [paul.m.leffler@usace.army.mil](mailto:paul.m.leffler@usace.army.mil).

FOR THE DISTRICT ENGINEER:  
/original signed/  
Mitchell A. Isoe  
Chief, Regulatory Branch

## **Index of Existing, New/Reissued Nationwide Permits Revoked/Retained in the Chicago District**

### **NATIONWIDE PERMITS CURRENTLY REVOKED IN THE CHICAGO DISTRICT**

- |                                       |  |
|---------------------------------------|--|
| 1. Aids to Navigation                 | 25. Structural Discharges                                  |
| 3. Maintenance                        | 26. Reserved   |
| 7. Outfall Structures and Maintenance | 27. Stream and Wetland Restoration Activities              |
| 10. Mooring Devices                   | 29. Single Family Housing                                  |
| 11. Temporary Recreational Structures | 31. Maintenance of Existing Flood Control Projects         |
| 12. Utility Line Activities           | 32. Completed Enforcement Actions                          |
| 13. Bank Stabilization                | 33. Temporary Construction Access and Dewatering           |
| 14. Linear Transportation Projects    | 36. Boat Ramps   |
| 18. Minor Discharges                  | 38. Cleanup of Hazardous and Toxic Waste                   |
| 19. Minor Dredging                    | 39. Residential, Commercial and Institutional Developments |
| 20. Oil Spill Cleanup                 | 41. Reshaping Existing Drainage Ditches                    |
| 22. Removal of Vessels                | 42. Recreational Facilities                                |

These revoked activities can be authorized under the District's Regional Permit Program (RPP) provided that they meet its specific terms and conditions.

### **NATIONWIDE PERMITS CURRENTLY RETAINED BY THE CHICAGO DISTRICT**

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|--|---|
| 2. Structures in Artificial Canals         | 23. Approved Categorical Exclusions         |
| 4. Fish and Wildlife Harvesting Activities | 24. State Administered Section 404 Programs |
| 5. Scientific Measurement Devices          | 28. Modifications to Existing Marinas       |
| 6. Survey Activities                       | 30. Moist Soil Management for Wildlife      |
| 8. Oil and Gas Structures                  | 34. Cranberry Production Activities         |
| 9. Structures in Fleeting/Anchorage Areas  | 35. Maintenance Dredging of Existing Basins |
| 15. U.S. Coast Guard Approved Bridges      | 37. Emergency Watershed Protection          |
| 16. Return Water From UCD Areas            | 40. Agricultural Activities                 |
| 17. Hydropower Projects                    | 43. Stormwater Management Facilities        |
| 21. Surface Coal Mining Activities         | 44. Mining Activities                       |

### **NEW NATIONWIDE PERMITS TO BE RETAINED**

45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. Pipeline Safety Program
48. Shellfish Aquaculture Activities
49. Coal Re-mining Activities
50. Underground Coal Mining Activities

### **Regional Conditions in the Chicago District**

- NWP 45. Repair of Uplands Damaged by Discrete Events
- Projects that involve the use of vegetative and biotechnical bank stabilization practices are not subject to length restrictions.
  - Projects that involve the construction of new structural bank stabilization practices, such as riprap, gabions, lunker boxes, steel sheetpiling or fabric-formed concrete will be processed under the Chicago District's Regional Permit 10 (Bank Stabilization).
  - Projects that involve the sidcasting of dredged sediments into waters of the United States are not authorized by this permit. All dredged materials must be disposed in an upland area.
- NWP 46. Discharges into Ditches and Canals
- Projects that would sever the jurisdiction of an upstream "waters of the United States" from a downstream "waters of the United States" is not authorized by this permit.