

**PUBLIC NOTICE**

**ANNOUNCING THE FINAL DECISION ON THE REVOCATION**

---

**OF SELECT NATIONWIDE PERMITS – 2017**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published a notice in Part III of *Federal Register* 82 FR 1860 announcing the reissuance of the Nationwide Permits (NWP), general conditions, and definitions with some modifications. The Corps also announced the issuance of two new NWPs, one new general condition, and five 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 effects on the aquatic environment.

On January 21, 2017, the Chicago District published its intention to revoke previously suspended nationwide permits, and add nine regional conditions. For information on the NWP program in the Chicago District, visit our website. Interested parties were invited to provide comments on the proposed revocation and regional conditions. No written comments were received during the comment period.

On March 17, 2017, 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 NWPs and their conditions.

If you have any questions, please contact Julie Rimbault of my staff by telephone at (312) 846-5542, or email at [Julie.C.Rimbault@usace.army.mil](mailto:Julie.C.Rimbault@usace.army.mil).

CHRISTOPHER T. DREW  
COL, EN  
Commanding

## **Index of Existing and Newly Proposed 2017 Nationwide Permits Revoked/Retained in the Chicago District**

### **A. NATIONWIDE PERMITS PROPOSED TO BE REVOKED IN THE CHICAGO DISTRICT**

- |   |  |
|---|--|
| 1. Aids to Navigation                                   | 25. Structural Discharges  |
| 3. Maintenance  | 26. Reserved   |
| 7. Outfall Structures and Associated Intake Structures  | 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities |
| 10. Mooring Buoys                                       | 29. Residential Developments   |
| 11. Temporary Recreational Structures                   | 31. Maintenance of Existing Flood Control Facilities                       |
| 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. Commercial and Institutional Developments                              |
| 20. Response Operations for Oil or Hazardous Substances | 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.

### **B. NATIONWIDE PERMITS PROPOSED TO BE RETAINED BY THE CHICAGO DISTRICT**

- |  |  |
|--|--|
| 2. Structures in Artificial Canals   | 30. Moist Soil Management for Wildlife                     |
| 4. Fish and Wildlife Harvesting, Enhancement and Attraction Devices and Activities | 34. Cranberry Production Activities                        |
| 5. Scientific Measurement Devices  | 35. Maintenance Dredging of Existing Basins                |
| 6. Survey Activities   | 37. Emergency Watershed Protection and Rehabilitation      |
| 8. Oil and Gas Structure on the Outer Continental Shelf                            | 40. Agricultural Activities                                |
| 9. Structures in Fleeting/Anchorage Areas  | 43. Stormwater Management Facilities                       |
| 15. U.S. Coast Guard Approved Bridges  | 44. Mining Activities                                      |
| 16. Return Water from UCD Areas  | 45. Repair of Uplands Damaged by Discrete Events           |
| 17. Hydropower Projects  | 46. Discharges in Ditches                                  |
| 21. Surface Coal Mining Activities   | 47. [Reserved]   |
| 23. Approved Categorical Exclusions  | 48. Commercial Shellfish Aquaculture Activities            |
| 24. Indian Tribe or State Administered Section 404 Programs                        | 49. Coal Remining Activities                               |
| 28. Modifications to Existing Marinas  | 50. Underground Coal Mining Activities                     |
|  | 51. Land-Based Renewable Energy Generation Facilities      |
|  | 52. Water-Based Renewable Energy Generation Pilot Projects |
|  | 53. Removal of Low-Head Dams                               |
|  | 54. Living Shorelines                                      |

## Illinois Regional Conditions for Nationwide Permits

1. Stormwater management facilities shall not be located within a stream, except for NWP 21, 44, 49, or 50.
2. For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs, a minimum of 25 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable native species with aerial coverage of at least 50 percent shall be achieved within 3 years of establishment of the buffer strip.
3. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.
4. For a single family residence authorized under Nationwide Permit No. 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.
5. For NWP 46, the discharge of dredged or fill material into ditches and canals that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.
6. For NWP 52, no project will be authorized within Lake Michigan. An individual permit will be required.
7. Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.
8. Mitigation shall be constructed prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States unless an alternate timeline is specifically approved in the authorization.
9. Operation of heavy equipment within the stream channel should be avoided. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.