



US Army Corps  
of Engineers  
Chicago District

# PUBLIC NOTICE

Nationwide Permits

Date: January 21, 2017

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## **PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS AND REQUEST FOR COMMENT ON CHICAGO DISTRICT REGIONAL CONDITION FOR ILLINOIS**

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs will go into effect on March 19, 2017 and will expire on March 18, 2022.

With the publication of this *Federal Register* notice, Corps districts will begin finalizing their regional conditions for the new and reissued NWPs. Regional conditions will provide additional protection for the aquatic environment and will help ensure that the NWPs authorize only those activities with no more than minimal adverse environmental effects. Regional conditions will help ensure protection of high value waters within the Chicago District.

The publication of this *Federal Register* notice also begins the 60-day period for states, Tribes, and the Environmental Protection Agency (EPA) to complete their water quality certification (WQC) processes for the NWPs. The 60-day period for WQC will end on March 6, 2017. This *Federal Register* notice also begins the 90-day period for coastal states to complete their Coastal Zone Management Act (CZMA) consistency determination processes. The 90-day period for CZMA consistency determinations will end on April 5, 2017.

If coastal states do not complete their CZMA consistency determination processes before the 2017 NWPs go into effect on March 19, 2017, the use of an NWP to authorize an activity within, or outside a state's coastal zone that will affect land or water uses or natural resources of that state's coastal zone, is contingent upon obtaining an individual CZMA consistency determination or a case-specific presumption of CZMA concurrence.

The January 6, 2017, *Federal Register* notice is available for viewing at the Chicago District office, 231 South LaSalle Street, Suite 1500, Chicago, Illinois 60604 or on the Internet at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx> . As an alternative, interested parties can access the January 6, 2017 final rule that was published in the *Federal Register* through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR> .

The Corps has also issued final decision documents for the new and reissued NWPs. These documents are available at [www.regulations.gov](http://www.regulations.gov) at docket number COE-2015-0017. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWPs.

The Chicago District is also seeking comments on the proposed additional regional conditions for Illinois. **Comments on the regional conditions should be sent to the U.S. Army Corps of Engineers Chicago District, Regulatory Branch, Attn: Julie Rimbault, 231 LaSalle Street, Suite 1500, Chicago, Illinois 60604. Comments are due by February 20, 2017.**

Enclosed in a copy of the regional conditions proposed for Illinois as well as a copy of the Permits for Chicago District – Illinois proposed to be revoked and retained.

## **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**

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| 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**

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| 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   | 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.