

**PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE
ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS**

On January 13, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the *Federal Register* (86 FR 2744) announcing the reissuance of 12 existing nationwide permits (NWP) and four new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 16 NWP will go into effect on March 15, 2021, and will expire on March 14, 2026:

- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 21 – Surface Coal Mining Activities
- NWP 29 – Residential Developments
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 44 – Mining Activities
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 50 – Underground Coal Mining Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects
- NWP 55 – Seaweed Mariculture Activities
- NWP 56 – Finfish Mariculture Activities
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances

The Corps has also issued final decision documents for the new and reissued NWP. These final decision documents are available at www.regulations.gov at docket number COE-2020-0002. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWP.

The 12 existing NWP published in the January 13, 2021 final rule replace the 2017 versions of these NWP. The 2017 versions of NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, and 52 expire on March 14, 2021.

With the publication of this *Federal Register* notice, Corps divisions will begin finalizing regional conditions for these 16 NWP. Regional conditions will provide additional protection for the aquatic environment and will help ensure that the NWP authorize only those activities with no more than minimal adverse environmental effects. Regional conditions will help ensure protection of high value waters within Chicago District.

Corps divisions and districts will also begin determining which conditions for water quality certifications issued by states, tribes, and EPA for the issuance of these NWP become conditions of these NWP. Corps divisions and districts will also begin determining which conditions for Coastal Zone Management Act consistency

concurrences issued by states for the issuance of these NWP's become conditions of these NWP's. Those regional conditions will be announced in a future public notice issued by the Chicago District.

On March 17, 2017, the U.S Army Corps of Engineers' Great Lakes and Ohio River Division Commander revoked 24 Nationwide Permits from use within the Illinois portion of the Chicago District boundary. Once the final 2021 Nationwide Permit rule goes into effect on March 15, 2021, the list of revoked and active Nationwide Permits within the Illinois portion of the Chicago District boundary will change. The following is a list of the Nationwide Permits that will be active for use in the Illinois portion of the Chicago District, effective March 15, 2021:

- NWP 2 – Structures in Artificial Canals
- NWP 4 – Fish and Wildlife Harvesting, Enhancement
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 8 – Oil and Gas Structure on the Outer Continental
- NWP 9 – Structures in Fleeting/Anchorage Areas
- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water from UCD Areas
- NWP 17 – Hydropower Projects
- NWP 21 – Surface Coal Mining Activities
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered
- NWP 28 – Modifications to Existing Marinas
- NWP 29 – Residential Developments
- NWP 30 – Moist Soil Management for Wildlife
- NWP 34 – Cranberry Production Activities and Attraction Devices and Activities
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 44 – Mining Activities
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 47 – [Reserved]
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 49 – Coal Remining Activities
- NWP 50 – Underground Coal Mining Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines

- NWP 55 – Seaweed Mariculture Activities
- NWP 56 – Finfish Mariculture Activities
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances

The regional conditions for the NWP's that were approved by division engineers in 2017 remain in effect while these 2017 NWP's remain in effect. As noted above, the regional conditions for the reissuance of 12 existing nationwide permits (NWP's) and four new NWP's will be finalized soon and put out on public notice.

The following permits remain revoked within the Illinois portion of the Chicago District boundary, until the Corps issues a final rule reissuing those NWP's or March 18, 2022, whichever comes first:

- NWP 1– Aids to Navigation
- NWP 3 – Maintenance
- NWP 7 – Outfall Structures and Associated Intake
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous
- NWP 22 – Removal of Vessels
- NWP 25 – Structural Discharges
- NWP 26 – Reserved
- NWP 27– Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 31– Maintenance of Existing Flood Control Facilities
- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 36 – Boat Ramps
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 41 – Reshaping Existing Drainage Ditches Substances
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects

Activities covered by these revoked NWP's may be authorized under the District's Regional Permit Program (RPP) provided that they meet its specific terms and conditions.

The January 13, 2021, *Federal Register* notice is available for viewing at <https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits>