



US Army Corps  
of Engineers  
St. Louis District

# PUBLIC NOTICE

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**Sponsor:** US Army Corps of Engineers

**Issue Date:** March 4, 2021

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## **Special Public Notice for the Nationwide Permit Reissuance and Regional Conditions for the State of Illinois – Issuance of Regional Conditions**

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 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. According to 33 CFR § 330.6(b), activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an NWP that was verified under the 2017 NWP, will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation. If an activity that was verified under these 12 existing NWP and has commenced or is under contract to commence, they will remain authorized until March 14, 2022.

**REGIONAL CONDITIONS:** With the publication of these NWP's in the Federal Register, the Mississippi Valley Division (MVD) has finalized the regional conditions for these 16 NWP's in Illinois. Regional conditions provide additional protection for the aquatic environment and help ensure that the NWP's authorize only those activities with no more than minimal adverse environmental effects. Regional conditions help ensure protection of high value waters within the state of Illinois. The Regional Conditions can be found below or accessed at the St. Louis District Regulatory web page:

**WATER QUALITY CERTIFICATION:** The Section 401 Water Quality Certifications (WQC) have been issued for Section 404 NWP activities by the Illinois Environmental Protection Agency (IEPA). The WQCs were approved by the Mississippi Valley (MVD) Commander and are added as regional conditions to the NWP's. Section 401 Water Quality Certification with conditions (General Conditions and/or Special Conditions) has been issued for NWP's: 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 51, 52, 53, 54, C (now numbered as 57), D (now numbered as 58). Section 401 Water Quality Certification has been denied for NWP's: 21, 34, 44, 48, 49, 50, and E. The WQC can be found below or accessed at the St. Louis District Regulatory web page:

**2017 NATIONWIDE PERMITS:** There are 40 existing NWP's that were not reissued or modified by the January 13, 2021 final rule. Those 40 NWP's were published in the January 6, 2017, issue of the Federal Register (82 FR 1860) and those NWP's remain in effect until the Corps issues a final rule reissuing those NWP's or March 18, 2022, whichever comes first. **The 40 2017 NWP's that remain in effect are:**

- NWP 1 – Aids to Navigation
- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water From Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 22 – Removal of Vessels
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered Section 404 Programs
- NWP 25 – Structural Discharges
- NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 28 – Modifications of Existing Marinas

- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 34 – Cranberry Production Activities
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 49 – Coal Remining Activities
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines

The regional conditions for these 40 NWP's that were approved by division engineers in 2017 remain in effect while these 2017 NWP's remain in effect.

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>

As an alternative, interested parties can access the January 13, 2021, final rule and related documents at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

POINT OF CONTACT: If you have questions or need additional information please contact Amy Henke via email at [Amy.c.henke@usace.army.mil](mailto:Amy.c.henke@usace.army.mil) or by phone at (314) 331-8649.

Enclosures:

Illinois Regional Conditions for the 2021 Nationwide Permits

Illinois EPA Section 401 Water Quality Certification for the 2021 Nationwide Permits