



**US Army Corps
of Engineers**

Louisville District ®

Public Notice

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LRL-2020-00006

Please address all comments and inquiries to:
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PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS

On December 27, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the *Federal Register* (86 FR 73522) announcing the reissuance of 40 existing nationwide permits (NWP) and one new NWP. The NWP general conditions and definitions in the January 13, 2021 final rule apply to the 41 NWP that are in the final rule that was published on December 27, 2021 issue of the Federal Register. The December 27, 2021, *Federal Register* notice is available for viewing at <https://www.federalregister.gov/documents/2021/12/27/2021-27441/reissuance-and-modification-of-nationwide-permits>. The 41 NWP, listed below, become effective on February 25, 2022, and will expire on March 14, 2026:

- 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
- NWP 59 – Water Reclamation and Reuse Facilities

On February 7, 2022, the Great Lakes and Ohio River Division (LRD) approved Kentucky regional conditions for the 41 2021 NWP's in the Commonwealth of Kentucky. The Kentucky Regional Conditions for the 41 2021 NWP's for the Commonwealth of Kentucky become effective on February 25, 2022 and are attached to this public notice. Additionally, the Louisville District has posted the Regional Conditions for the Commonwealth of Kentucky for the 41 2021 NWP's on its internet home page at: <http://www.lrl.usace.army.mil/Missions/Regulatory/Obtain-a-Permit/Nationwide/>.

KDOW denied the 401 WQC for NWP's 16, 17, 32, 38 and 53, therefore an individual 401 WQC will be required for a project authorized by NWP's 16, 17, 32, 38 and 53. The KDOW issued general WQC's for NWP's 3, 5, 7, 13, 14, 15, 18, 19, 23, 25, 27, 30, 31, 33, 36, 37, 45, 46, 49, and 59. An individual 401 WQC will be required by the KDOW if the proposed activities do not meet the conditions of the general WQC. The KDOW certified NWP's 1, 2, 4, 6, 8, 9, 10, 11, 20, 22, 24, 28, 34, 35, 41 and 54 as written, therefore, projects authorized by these activities are certified as written and no further contact with KDOW would be required. The 401 WQC for the 41 2021 NWP's becomes effective on February 25, 2022, and is attached to this public notice. Additionally, the Louisville District has posted the 401 WQC on its internet homepage at the link noted above.

In a final rule published in the Federal Register on January 13, 2021, (86 FR 2744) the Corps reissued 12 existing NWP's (NWP's 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52) and issued four (4) new NWP's (55, 56, 57, and 58). In that final rule, the Corps also reissued the NWP general

conditions and definitions. Those 16 NWP's and the NWP general conditions and definitions went into effect on March 15, 2021. The 16 NWP's will expire on March 14, 2026 along with the 41 NWP's listed above. Listed below are the 16 NWP's that issued in the final rule on January 13, 2021. This final rule can be found on the Louisville District website listed above along with the Regional Conditions for the Commonwealth of Kentucky.

- 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

Questions concerning implementation of the NWP's and associated Regional Conditions within the Memphis District's area of responsibility should be sent to CEMVMRegulatory@usace.army.mil or you can contact Roger Allan at (901) 544-3682.