



US Army Corps  
of Engineers  
Memphis District

# **PUBLIC NOTICE**

**Sponsor:** US Army Corps of Engineers

**Issue Date:** February 4, 2022

---

## **Special Public Notice for the Nationwide Permit Issuance, Reissuance, Regional Conditions, Water Quality Certification, and Coastal Zone Consistency Determination, for the State of Illinois**

1. 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, as well as the reissuance of NWP general conditions and definitions with some modifications. These 41 NWP will go into effect on February 25, 2022, and they 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

2. The NWP general conditions and definitions that were issued in the final rule that was published in the January 13, 2021, issue of the Federal Register (86 FR 2744) apply to the 40 reissued NWPs and the new NWP 59 that were published in the Federal Register on December 27, 2021.

3. The 40 existing NWPs published in the December 27, 2021 final rule replace the 2017 versions of these NWPs. The 2017 versions of NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, and 54 expire on February 24, 2022. The 40 existing NWPs published in the December 27, 2021 final rule replace the 2017 versions of these NWPs. If an activity verified under a 2017 NWP qualifies for authorization under one of the reissued NWPs, the original NWP verification letter will continue to be valid until March 18, 2022, unless the district engineer identified a different expiration date in that verification letter {33 CFR 330.6(a)(3)(ii). If the permittee cannot complete the NWP activity before March 18, 2022, the district can issue an NWP verification under the 2021 NWP by using the previously submitted PCN (as long as there are no changes to the activity that would preclude NWP authorization. If an activity verified under a 2017 NWP no longer qualifies for NWP authorization under one of the 40 reissued 2021 NWPs, the project proponent would have 12 months to complete the authorized activity as long as that activity is under construction or under contract to commence construction on or before February 24, 2022 [33 CFR 330.6(b)].

4. **REGIONAL CONDITIONS:** The Mississippi Valley Division (MVD) has finalized the regional conditions for these 41 NWPs in Illinois. Regional conditions provide additional protection for the aquatic environment and help ensure that the NWPs 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 Rock Island District Regulatory web page:

<https://www.mvr.usace.army.mil/Portals/48/docs/regulatory/2021%20NWPs/Illinois%20Regional%20Conditions%202021%20Nationwide%20Permits.pdf?ver=F1o0zPBDtrIZTLCAYCJVvg%3d%3d>

**5. 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) on 8/October/2021, corrected version on 21/Dec/2021. The WQCs were approved by the Mississippi Valley (MVD) Commander and are added as regional conditions to the NWPs. Section 401 Water Quality Certification with conditions (General Conditions and/or Special Conditions) has been issued for NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 36, 37, 38, 41, 45, 53, and 54 with the special and/or general conditions specified below. This document also provides the certification conditions for NWPs previously certified on 11/Dec/2020: NWPs 12, 29, 39, 40, 42, 43, 51, 52, 57, and 58, and notice of the Agency determination to deny Water Quality Certification for NWPs 21, 34, 44, 46, 48, 49, 50, and 59. The WQC can be found below or accessed at the Rock Island District Regulatory web page: <https://www.mvr.usace.army.mil/Portals/48/docs/regulatory/Permits/NW-IL/IL%20401%20WQC.pdf?ver=u4N4MpokxjrcVeQ4hGzhzw%3d%3d>

**6. Coastal Zone Management Consistency (applicable in Chicago District only):** On November 1, 2020, the Illinois Coastal Management Program (ICMP) concurred that the NWPs complied with the enforceable policies of the ICMP and will be conducted in a manner consistent with the ICMP.

7. 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>

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

9. As an alternative, interested parties can access the December 27, 2021 and January 13, 2021 final rules and related documents at: <https://www.usace.army.mil/Missions/CivilWorks/Regulatory-Program-and-Permits/Nationwide-Permits/>

10. POINT OF CONTACT: If you have questions or need additional information please contact Samantha Chavez via email at [Samantha.j.chavez@usace.army.mil](mailto:Samantha.j.chavez@usace.army.mil) or by phone at (309) 794-5104.

Enclosures:

Illinois Regional Conditions for the 2021 Nationwide Permits, (encl 1)

Illinois EPA Section 401 Water Quality Certification for the 2021 Nationwide Permits (encl 2)



**US Army Corps  
of Engineers** ®

## **Illinois Proposed Regional Conditions 2021 Nationwide Permits**

- 1) For NWP 12, 57, and 58: pre-construction notification is required in accordance with General Condition 32 for the following activities; (a) activities that involve mechanized land clearing in a forested wetland for the utility line right-of-way; (b) utility lines placed within, and parallel to or along a jurisdictional stream bed.
- 2) For Nationwide Permit 14, all proposed projects that result in the loss of greater than 300 linear feet of streambed located within Waters of the U.S., requires a Pre - Construction Notice in accordance with General Condition No. 32.
- 3) 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 No. 32.