NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On September 15, 2020, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 52 existing nationwide permits (NWPs) and issue five new NWPs.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWPs: The Federal Register notice is the public’s opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2020-0002 at www.regulations.gov, or by email to nationwidepermits2020@usace.army.mil or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the September 15, 2020 Federal Register notice. Comments on the proposed NWPs are due by November 16, 2020.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure 2) lists the proposed regional conditions currently under consideration for the State of Tennessee by the Lakes and Rivers and Mississippi Valley Divisions. The Nashville District, in cooperation with the Memphis District, is seeking comments on these proposed regional conditions and seeking comments on the need for any additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure would be applicable for activities throughout the State of Tennessee.
Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to Nashville District – U.S. Army Corps of Engineers, Regulatory Division (Attn: Mr. Aric Payne), 3701 Bell Road, Nashville, TN 37214; or email aric.j.payne@usace.army.mil. Comments relating to regional conditions are due by November 2, 2020. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Division Commanders.

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWPs. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWPs.

Draft decision documents for each of the proposed NWPs, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWPs with the requirements for issuance under the Corps’ general permit authority. These draft decision documents, as well as the proposed NWPs, are available for viewing at www.regulations.gov, docket number COE-2020-0002. Final decision documents will be prepared for the NWPs that are issued.

Enclosed is an index of the proposed NWPs and conditions (Enclosure 1). Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/, at www.regulations.gov in docket number COE-2020-0002, or at the following Federal Register address: https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits.
Enclosure 1:

Index of Proposed Nationwide Permits, Conditions, and Definitions

Nationwide Permits
1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Oil or Natural Gas Pipeline Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Mariculture Activities
49. Coal Remining Activities
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
   A. Seaweed Mariculture Activities
   B. Finfish Mariculture Activities
   C. Electric Utility Line and Telecommunications Activities
   D. Utility Line Activities for Water and Other Substances
   E. Water Reclamation and Reuse Facilities

**Nationwide Permit General Conditions**
1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

**District Engineer’s Decision**

**Further Information**

**Definitions**
- Best management practices (BMPs)
- Compensatory mitigation
- Currently serviceable
- Direct effects
- Discharge
- Ecological reference
- Enhancement
- Establishment (creation)
- High Tide Line
- Historic property
- Independent utility
- Indirect effects
- Loss of waters of the United States
- Navigable waters
- Non-tidal wetland
- Open water
- Ordinary high water mark
- Perennial stream
- Practicable
- Pre-construction notification
- Preservation
- Re-establishment
- Rehabilitation
- Restoration
- Riffle and pool complex
- Riparian areas
- Shellfish seeding
- Single and complete linear project
- Single and complete non-linear project
- Stormwater management
- Stormwater management facilities
- Stream bed
- Stream channelization
- Structure
- Tidal wetland
- Tribal lands
- Tribal rights
- Vegetated shallows
- Waterbody
Enclosure 2:

**Proposed 2020 Regional Conditions for Nationwide Permits**

**STATE OF TENNESSEE**

**Regional General Conditions (Applicable to ALL Nationwide Permits):**


2. For planting or re-vegetation activities, utilize only non-invasive plant species.

**Nationwide Permit-Specific Regional Conditions:**

12. *Oil or Natural Gas Pipeline Activities.*

PCN in accordance with NWP General Condition 32 is required for all proposed blasting within waters of the U.S.

35. *Maintenance Dredging of Existing Basins.*

PCN in accordance with NWP General Condition 32 is required for regulated activities in Section 10 waters.

36. *Boat Ramps.*

PCN in accordance with NWP General Condition 32 is required for any boat ramp proposed to be located within the area between the upstream and downstream arrival points of any Corps of Engineers lock and dam, or within 1,500 feet of any emergency-mooring cell at any lock.

C. *Electric Utility Line and Telecommunications Activities.*

PCN in accordance with NWP General Condition 32 is required for all proposed blasting within waters of the U.S.

D. *Utility Line Activities for Water and Other Substances.*

PCN in accordance with NWP General Condition 32 is required for all proposed blasting within waters of the U.S.