



US Army Corps  
of Engineers  
St Paul District

**SUBJECT: FINAL 2017 Nationwide  
Permit Issuance**

# Public Notice

ISSUED: January 24, 2017

**SECTIONS: 404 Clean Water Act  
& 10 Rivers and Harbors Act**

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

On January 6, 2017, the U.S. Army Corps of Engineers (Corps) published the notice in the Federal Register announcing the reissuance of all 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, one new general condition, and five new definitions. The 2017 NWPs will go into effect on March 19, 2017, and will expire on March 18, 2022. Enclosed is an index of the final NWPs, general conditions, and definitions. The January 6, 2017, Federal Register notice is available for viewing through the Corps Headquarters Regulatory Home Page at [www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx](http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx). As an alternative, interested parties can access the January 6, 2017, final rule published in the Federal Register through the U.S. Government Printing Office at [www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR](http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR).

With the publication of the January 6, 2017, Federal Register notice, the St. Paul District has begun finalizing regional conditions for the new and reissued NWPs. Corps Division Engineers are authorized to add regional conditions to take into account regional differences in aquatic resource functions and services across the country and to restrict or prohibit the use of NWPs to protect those resources. Regional conditions will provide additional protection for the aquatic environment, and will help ensure that the NWPs authorize only those activities with no more than minimal adverse environmental effects. Regional conditions will help ensure protection of waters in Wisconsin and Minnesota.

From the date of this public notice begins a 90-day period for the States of Minnesota and Wisconsin, Grand Portage Chippewa, *Fond du Lac Band* of Lake Superior Chippewa, Bad River Band of Lake Superior Chippewa, *Lac du Flambeau Band* of Lake Superior Chippewa, *Sokaogon Chippewa Community*, and the Environmental Protection Agency (EPA) to complete their water quality certification (WQC) processes for the NWPs. This 90-day period for WQC will end on April 24, 2017. If states, Tribes, or the EPA, as applicable, do not complete their WQC processes before the 2017 NWPs go into effect on March 19, 2017, the use of a new or reissued NWP to authorize a discharge into waters of the United States, including NWP use for activities that do not require a preconstruction notification (PCN) to the Corps, is contingent upon obtaining individual WQC or a case-specific WQC waiver. However, the St. Paul District will continue to rely on the current suite of regional general permits already in place for Wisconsin, Minnesota and federally-recognized American Indian tribes until the 90-day WQC review period has concluded.

From the date of this public notice also begins the 90-day period for the states of Minnesota and Wisconsin to complete their Coastal Zone Management Act (CZMA) consistency determination processes. The 90-day period for CZMA consistency determinations will end on April 24, 2017. If coastal states do not complete their CZMA consistency determination processes before the 2017 NWP go into effect on March 19, 2017, the use of a new or reissued NWP to authorize a regulated activity within, or outside, a state's coastal zone that will affect land or water uses or natural resources of that state's coastal zone, including NWP use for activities that do not require a PCN to the Corps, is contingent upon obtaining an individual CZMA consistency determination, or a case-specific presumption of CZMA concurrence. As previously indicated, the St. Paul District will continue to rely on the current suite of regional general permits already in place for Wisconsin, Minnesota and federally-recognized American Indian tribes until the 90-day CZMA consistency determination period has concluded.

The Corps has also issued final decision documents for the new and reissued NWPs. These documents are available at <https://www.regulations.gov> at docket number COE-2015-0017. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWPs. After Division Engineers approve the Regional Conditions for Minnesota and Wisconsin, the St. Paul District will issue a public notice to announce the final Regional Conditions for the two states, including any finalized WQC/CZMA regional conditions.

Please be advised, activities authorized by the 2012 NWPs remain authorized by those NWPs until March 18, 2017. An activity completed under the authorization provided by a 2012 NWP continues to be authorized by that NWP (see 33 CFR part 330.6(b)). Activities authorized by the 2012 NWPs that have commenced or are under contract to commence by March 18, 2017, will have one year (i.e., until March 18, 2018) to complete those activities under the terms and conditions of the 2012 NWPs (see 33 CFR section 330.6(b)). Activities previously authorized by the 2012 NWPs that have not commenced or are not under contract to commence by March 18, 2017, will require reauthorization under the 2017 NWPs, provided those activities qualify for authorization under the 2017 NWPs. If those activities no longer qualify for NWP authorization because they do not meet the terms and conditions of the 2017 NWPs (including any regional conditions), the project proponent will need to obtain an individual permit, or seek authorization under a regional general permit, if such a general permit is available in the applicable Corps district and can be used to authorize the proposed activity.

## **Index of Nationwide Permits, Conditions, District Engineer’s Decision, Further Information, 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. Utility Line 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 Aquaculture 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

**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
- 9. Management of Water Flows
- 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 Bird and Bald and Golden Eagle Permits
- 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
- Ephemeral stream
- Establishment (creation)
- High Tide Line
- Historic property
- Independent utility
- Indirect effects
- Intermittent stream
- 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
- Protected tribal resources
- 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