

# SPECIAL PUBLIC NOTICE

### U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT

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### FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS

**January 6, 2017** 

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 (NWPs), 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.

With the publication of this *Federal Register* notice, Corps districts will begin finalizing their regional conditions for the new and reissued NWPs. 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 high value waters within the Los Angeles District.

The publication of this *Federal Register* notice also begins the 60-day period for states, Tribes, and the Environmental Protection Agency (EPA) to complete their water quality certification (WQC) processes for the NWPs. The 60-day period for WQC will end on March 6, 2017. This *Federal Register* notice also begins the 90-day period for coastal states to complete their Coastal Zone Management Act (CZMA) consistency determination processes. The 90-day period for CZMA consistency determinations will end on April 5, 2017.

If coastal states do not complete their CZMA consistency determination processes before the 2017 NWPs go into effect on March 19, 2017, the use of an NWP to authorize an 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, is contingent upon obtaining an individual CZMA consistency determination, or a case-specific presumption of CZMA concurrence.

The January 6, 2017, Federal Register notice is available for viewing at:

DEPARTMENT OF THE ARMY LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS REGULATORY DIVISION 915 WILSHRE BLVD., SUIT 930 LOS ANGELES, CA 90017-3401

or on the Internet at

 $\underline{\text{http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.as} \underline{\text{px}} \ .$ 

As an alternative, interested parties can access the January 6, 2017, final rule that was published in the *Federal Register* through the U.S. Government Printing Office at <a href="http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR">http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR</a>.

The Corps has also issued final decision documents for the new and reissued NWPs. These documents are available at <a href="https://www.regulations.gov">www.regulations.gov</a> 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.

For additional information please call Antal Szijj of my staff at (805) 585-2147 or via e-mail at <a href="mailto:antal.j.szijj@usace.army.mil">antal.j.szijj@usace.army.mil</a>. This public notice is issued by the Chief, Regulatory Division.



#### Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

DEPARTMENT OF THE ARMY LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS

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## <u>Index of Nationwide Permits, Conditions, District Engineer's Decision, Further Information, and Definitions</u>

#### **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