



US Army Corps  
of Engineers  
Alaska District  
Regulatory Division (1145)  
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# Special Public Notice

**PUBLIC NOTICE DATE:** March 3, 2021

**REFERENCE NUMBER:** POA-2021-6

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## **SPECIAL PUBLIC NOTICE**

### **ANNOUNCING THE ALASKA DISTRICT'S REGIONAL CONDITIONS TO THE NEW NATIONWIDE PERMITS**

On January 13, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the *Federal Register* (86 FR 2744) announcing the reissuance of 12 existing nationwide permits (NWP) and four new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 16 NWP will go into effect on March 15, 2021, and will expire on March 14, 2026:

- 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

The 12 reissued NWP published in the January 13, 2021, final rule replaces the 2017 versions of these NWP. The 2017 versions of NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, and 52 expire on March 14, 2021.

This SPN announces the approval of 10 regional conditions by the Pacific Ocean Division Commander. Subsequent to the January 13, 2021, *Federal Register* notice, the Alaska District finalized the regional conditions for the new and reissued NWP. The regional conditions ensure that the NWP authorize only those activities that individually and cumulatively result in no more than minimal adverse environmental effects in Alaska.

The Alaska District prepared supplemental decision documents to the Corps' final decision documents for the new and reissued NWP. These supplemental decision documents address regional conditioning of the NWP. Final decision documents for the new and reissued NWP can be found at [www.regulations.gov](http://www.regulations.gov), at docket number COE-2020-0002. Alaska District supplemental decision documents are available upon request.

Additionally, the Alaska District received water quality certifications (WQC) issued by the Alaska Department of Environmental Conservation (ADEC) and the Environmental Protection Agency (EPA) for the issuance of these NWP. Conditions on the water quality certifications become conditions of these NWP. Although the WQC address more than the above identified NWP, they will only apply to the above 16 NWP at this time.

Attached are: an index of the final NWP general conditions and definitions; the Alaska District's regional conditions; and the complete WQC decisions for Alaska issued by ADEC and EPA. Additional information can be found on the internet at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>.

There are 40 existing NWP that were not reissued or modified by the January 13, 2021, final rule. Those 40 NWP were published in the January 6, 2017, issue of the Federal Register (82 FR 1860), and those NWP remain in effect until the Corps issues a final rule reissuing those NWP or March 18, 2022, whichever comes first. The 40 2017 NWP that remain in effect are:

- 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

The water quality certifications, as well as regional conditions and general conditions for these 40 NWPs that were approved by division engineers in 2017, remain in effect while these 2017 NWPs remain in effect.

The January 13, 2021, *Federal Register* notice is available for viewing at:  
<https://www.federalregister.gov/documents/2021/01/13/2021-00102/reissuance-and-modification-of-nationwide-permits> (copy this url into your internet browser).

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

The public is invited to attend a virtual outreach session at 10:00 am or 5:30 pm on March 15, 2021, to discuss changes to the NWPs and provide an opportunity for questions and answers. You can join the outreach session by internet or telephone as described below:

Webex:

<https://usace1.webex.com/meet/ellen.h.lyons, 1994145306>

Dial in by phone option:

Call In: +1-844-800-2712

Access code: 1994145306

PIN: 1234

Optional suggestions for improved performance and experience:

1. Use your phone for audio to reduce bandwidth,
2. Disconnecting from VPN at the time of the call will also reduce bandwidth use.