

**PART 326—ENFORCEMENT**

■ 3. The authority citation for part 326 continues to read as follows:

**Authority:** 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; 33 U.S.C. 1413; 33 U.S.C. 2104; 33 U.S.C. 1319; 28 U.S.C. 2461 note.

■ 4. Amend § 326.6 by revising paragraph (a)(1) to read as follows:

**§ 326.6 Class I administrative penalties.**

(a) \* \* \*

(1) This section sets forth procedures for initiation and administration of Class I administrative penalty orders under Section 309(g) of the Clean Water Act, judicially-imposed civil penalties under Section 404(s) of the Clean Water Act, and Section 205 of the National Fishing Enhancement Act. Under Section 309(g)(2)(A) of the Clean Water Act, Class I civil penalties may not exceed \$22,585 per violation, except

that the maximum amount of any Class I civil penalty shall not exceed \$56,461. Under Section 404(s)(4) of the Clean Water Act, judicially-imposed civil penalties may not exceed \$56,461 per day for each violation. Under Section 205(e) of the National Fishing Enhancement Act, penalties for violations of permits issued in accordance with that Act shall not exceed \$24,730 for each violation.

TABLE 1 TO PARAGRAPH (a)(1)

Environmental statute and U.S. code citation	Statutory civil monetary penalty amount for violations that occurred after November 2, 2015, and are assessed on or after 7/15/2021
Clean Water Act (CWA), Section 309(g)(2)(A), 33 U.S.C. 1319(g)(2)(A) .....	\$22,585 per violation, with a maximum of \$56,461.
CWA, Section 404(s)(4), 33 U.S.C. 1344(s)(4) .....	Maximum of \$56,461 per day for each violation.
National Fishing Enhancement Act, Section 205(e), 33 U.S.C. 2104(e) .....	Maximum of \$24,730 per violation.

\* \* \* \* \*

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**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers****33 CFR Part 274**

RIN 0710-AB37

**Pest Control Program for Civil Works Projects**

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the U.S. Army Corps of Engineers (USACE) part titled, “Pest Control Program for Civil Works Projects.” This part is redundant and otherwise covers internal agency operations that have no public compliance component or adverse public impact. Therefore, this part can be removed from the Code of Federal Regulations (CFR).

**DATES:** This rule is effective on July 15, 2021.

**ADDRESSES:** Department of the Army, U.S. Army Corps of Engineers, ATTN: CECW-P (Mr. Jeremy Crossland), 441 G Street NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy Crossland at (202) 761-4259 or by email at [Jeremy.M.Crossland@usace.army.mil](mailto:Jeremy.M.Crossland@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This final rule removes from the Code of Federal Regulations 33 CFR part 274 titled, “Pest Control Program for Civil Works

Projects,” which assigns responsibilities and prescribes procedures concerning the use of chemicals in the USACE pest control program at Civil Works projects under the authority of Public Law 92-516, as amended, Federal Insecticide, Fungicide and Rodenticide ACT (FIFRA), 7 U.S.C. 136 *et seq.*, which among other things, transferred responsibility of pesticide regulation from the Department of Agriculture to the Environmental Protection Agency. This rule was initially published on August 15, 1977 (42 FR 41118). While the rule applies only to the Corps’ Pest Control Program, it was published, at that time, in the **Federal Register** to aid public accessibility.

The solicitation of public comment for this removal is unnecessary because the rule is out-of-date, duplicative of existing internal agency guidance, and otherwise covers internal agency operations that have no public compliance component or adverse public impact. For current public accessibility purposes, updated internal agency policy on this topic may be found in Engineer Regulation 1130-2-540, “Environmental Stewardship Operations and Maintenance Guidance and Procedures” (available at [https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1130-2-540.pdf](https://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1130-2-540.pdf)) The agency policy is only applicable to field operating activities having responsibility for the Pest Control Program and provides guidance specific to the Corps’ use of chemicals at Civil Works projects.

This rule removal is being conducted to reduce confusion for the public as well as for the Corps regarding the current policy which governs the Corps’ Pest Control Program. Because the

regulation does not place a burden on the public, its removal does not provide a reduction in public burden or costs. This rule is not significant under Executive Order 12866, “Regulatory Planning and Review.”

**List of Subjects in 33 CFR Part 274**

Pesticides and pests, Water resources.

**PART 274 [REMOVED]**

■ Accordingly, under the authority of 5 U.S.C. 301, the Army Corps of Engineers removes 33 CFR part 274.

Dated: July 1, 2021.

**Jaime A. Pinkham,**

*Acting Assistant Secretary of the Army (Civil Works).*

[FR Doc. 2021-14721 Filed 7-14-21; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 210505-0101] RTID 0648-XB196

**Fisheries Off West Coast States; Modification of the West Coast Commercial Salmon Fisheries; Inseason Action #18**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Inseason modification of 2021 management measures.

**SUMMARY:** NMFS announces an inseason action in the 2021 ocean salmon fisheries. This inseason action modifies