



**US Army Corps  
of Engineers**

Philadelphia District

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ATTN: CENAP-OP-R

# Public Notice

Public Notice No.

Date

Application No.

File No.

In Reply Refer to:  
**Regulatory Branch**

## PUBLIC NOTICE FOR NATIONWIDE PERMIT REGIONAL CONDITIONS

On 9 March 2000, the Corps published a notice in Part III of the ***Federal Register*** (65 FR 12818 – 12899). In that notice, the Corps announced the issuance of five new Nationwide Permits (NWP), the modification of six existing NWPs, the modification of nine NWP general conditions, and the adoption of two new NWP general conditions. The new NWPs are activity-specific and authorize certain activities in non-tidal waters of the United States that have minimal adverse effects on the aquatic environment. The new NWP general conditions limit the use of certain NWPs in designated critical resource waters and waters of the United States within 100-year floodplains. The new and modified NWPs became effective on 7 June 2000.

After the publication of this ***Federal Register*** notice, Corps districts began finalizing their regional conditions for the new and modified NWPs. Regional conditions will provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions will help ensure protection of high value waters within the District. The Philadelphia District has the lead responsibility for the development of regional conditions for the States of Delaware and New Jersey. The Baltimore District has the lead responsibility for the development of regional conditions that would be applicable in the Commonwealth of Pennsylvania. The enclosed regional conditions (Enclosure 1) have been approved by the North Atlantic Division Engineer, and are effective as of the date of this public notice. It should be noted that the Philadelphia District initiated the development of regional conditions for the NWPs published in the ***Federal Register*** on 13 December 1996. The attached regional conditions reflect a finalization of that effort in conjunction with the new and modified NWPs published in the ***Federal Register*** on 9 March 2000. These regional conditions are also posted on the Philadelphia District Internet home page. The URL address for these regional conditions is: <http://www.nap.usace.army.mil/cenap-op/regulatory/regulatory.htm>. Unless otherwise noted, these regional conditions are applicable for NWP activities in the States of New Jersey and Delaware. It should be further noted that this regional conditioning process has resulted in the suspension of NWP 29 in the State of Delaware, and the suspension of NWP41, NWP43, and NWP44 in the States of New Jersey and Delaware.

The publication of this ***Federal Register*** notice also began a 90-day process for States and Tribes to make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must have been made within 90 days of publication of the 9 March 2000 ***Federal Register***. The enclosed table (Enclosure 2) describes the decisions by the States of New Jersey and Delaware with respect to Section 401 water quality certification and coastal zone management consistency.

The 9 March 2000 ***Federal Register*** notice is available on the Internet at <http://www.usace.army.mil/inet/functions/cw/ceewo/reg/>. As an alternative, World Wide Web users can access the ***Federal Register*** through the U.S. Government Printing Office at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html).

Additional information concerning the nationwide permits and regional conditions within the States of Delaware and New Jersey can be obtained by contacting Mr. Edward Bonner at (215) 656-5932, by writing to the Philadelphia District at the address listed above, or by reviewing the Philadelphia District Internet Home Page at:  
***<http://www.nap.usace.army.mil/cenap-op/regulatory/regulatory.htm>***.

Frank J. Cianfrani  
Chief, Regulatory Branch

Enclosures