



**US Army Corps
of Engineers®**

SPECIAL PUBLIC NOTICE

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SPN-25-30

**Baltimore, Philadelphia and Pittsburgh Districts
Nationwide Permits Reissuance Request for Comments**

TO WHOM IT MAY CONCERN: On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWP) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWPs:

The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2025-0002 at www.regulations.gov, or by email to 2026nationwidepermits@usace.army.mil or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025 Federal Register notice. Comments on the proposed NWPs are due by July 18, 2025.

Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning:

Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure 1-4) lists the proposed regional conditions currently under consideration by the Corps Great Lakes and Ohio River Division and the North Atlantic Division for the State of Maryland, the Commonwealth of Pennsylvania, the District of Columbia, and for Fort Belvoir, Fort Myer, and the Pentagon in Virginia. The Baltimore, Pittsburgh, and Philadelphia Corps Districts are seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWPs are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions

listed on this enclosure are applicable for activities in the State of Maryland, the Commonwealth of Pennsylvania, the District of Columbia, and for Fort Belvoir, Fort Myer, and the Pentagon in Virginia. Comments on regional issues relating to the proposed NWP and proposed regional conditions should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or send an email to U.S. Army Corps of Engineers, Baltimore District, 2 Hopkins Plaza Baltimore, MD 21201, Attn: Ms. Alexis Kolarz, or via email at alexis.l.kolarz@usace.army.mil. Comments relating to regional conditions are due by August 2, 2025 (45 days). Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWP is issued, the final regional conditions will be issued after they are approved by the Division Commander.

401 Water Quality Certification and Coastal Zone Management Act:

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWP. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP.

Draft Decision Documents:

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP, are available for viewing at **www.regulations.gov**, docket number COE-2025-0002. Final decision documents will be prepared for the NWP that are issued.

Enclosed is an index of the proposed NWP and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP through the Corps Home Page at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>, at www.regulations.gov in docket number COE-2025-0002, or at the following Federal Register address <https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>.

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Draft 2026 Nationwide Permit (90 FR 26100) Suspensions for the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia

I. Commonwealth of Pennsylvania

A. The following NWP's are **suspended** in the Commonwealth of Pennsylvania, except in those areas and activities enumerated in Section I.B. below:

NWP 1: Aids to Navigation

NWP 4: Fish and Wildlife Harvesting, Enhancement, & Attraction Devices and Activities

NWP 5: Scientific Measurement Devices

NWP 7: Outfall Structures and Associated Intake Structures

NWP 10: Mooring Buoys

NWP 11: Temporary Recreational Structures

NWP 12: Oil or Natural Gas Pipeline Activities

NWP 13: Bank Stabilization

NWP 14: Linear Transportation Projects

NWP 15: U.S. Coast Guard Approved Bridges

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NWP 20: Response Operations for Oil and Hazardous Substances

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NWP 39: Commercial and Institutional Developments

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NWP 57: Electric Utility Line and Telecommunications Activities

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NWP 59: Water Reclamation and Reuse Facilities

B. This suspension of the NWP's listed in Part I.A of this Special Public Notice is **not applicable** within the Commonwealth of Pennsylvania geographic boundaries for the following:

1. Areas within Pittsburgh District's area of responsibility in the Commonwealth of Pennsylvania. Please see the website below for the Regulatory boundaries of the Pittsburgh District. https://geospatial-lrp.usace.army.mil/PDFs/District/lrpmap_c1_regulatory_letter_20240426.pdf

The Pittsburgh District can be reached at the following email and phone numbers for more information.

Pittsburgh Regulatory Branch email: regulatory.permits@usace.army.mil

Phone: (412) 395-7155

2. NWP authorization may be available for activities located channelward of the ordinary high-water mark on non-tidal waters and/or the high tide line and the mean high-water mark on tidal waters on the following water bodies in Pennsylvania:

a) The Delaware River.

b) The Schuylkill River downstream of the Fairmount Dam in Philadelphia, Pennsylvania

II. State of Maryland

A. The suspension of the NWP's listed in section II.B of this notice is **not applicable** within the State of Maryland in certain wetlands and other waters of the United States near the Chesapeake and Delaware Canal. These areas include Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways. These exempted areas fall within the U.S. Army Corps of Engineers (Corps) Philadelphia District's regulatory geographic boundaries.

B. The following NWP's are **suspended** in the State of Maryland, except in the areas described in Section II.A above:

NWP 1: Aids to Navigation

NWP 2: Structures in Artificial Canals

NWP 3: Maintenance (except for repair, rehabilitation, or replacement in-kind of any previously authorized, currently serviceable structure or fill destroyed or damaged by storms, floods, fires, or other discrete events)

NWP 5: Scientific Measurement Devices

NWP 6: Survey Activities

NWP 7: Outfall Structures and Associated Intake Structures
NWP 9: Structures in Fleeting and Anchorage Areas
NWP 10: Mooring Buoys
NWP 11: Temporary Recreational Structures
NWP 12: Oil or Natural Gas Pipeline Activities
NWP 13: Bank Stabilization
NWP 14: Linear Transportation Projects
NWP 16: Return Water from Upland Contained Disposal Areas
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NWP 59: Water Reclamation and Reuse Facilities

III. District of Columbia

A. The following NWPs are **suspended** within the District of Columbia:

NWP 21: Surface Coal Mining Activities
NWP 34: Cranberry Production Activities
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NWP 48: Aquaculture Activities
NWP 49: Coal Remining Activities

NWP 50: Underground Coal Mining Activities
NWP 55: Seaweed Mariculture Activities

IV. Military Installations of Northern Virginia within the Regulatory geographic boundaries of the Baltimore District (i.e., Fort Myer, Fort Belvoir, and the Pentagon).

A. The NWPs are **not suspended** for Fort Myer, Fort Belvoir, and the Pentagon. Please refer to the Norfolk District's final regional conditions applicable to Virginia (including northern Virginia military installations within the Baltimore District's area of responsibility) (<https://www.nao.usace.army.mil/Missions/Regulatory/>).

V. Suspension will terminate the Corps' ability to verify any new projects under any of the suspended NWPs unless and until the Chief of Engineers or the appropriate District or Division Engineer makes a determination to the contrary pursuant to 33 C.F.R. § 330.4 or § 330.5.

For more information regarding the final regional conditions and the suspension of Nationwide Permits, contact Ms. Alexis Kolarz at (410) 962-3411 or by email at alexis.l.kolarz@usace.army.mil.

**REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS FOR THE
STATE OF MARYLAND
(EXCLUDING THOSE WATERS OF THE CHESAPEAKE AND DELAWARE CANAL
WITHIN PHILADELPHIA DISTRICT'S AREA OF RESPONSIBILITY)**

I. Regional Conditions Applicable to Specific Nationwide Permits within the State of Maryland:

A. Nationwide Permit 3 Maintenance:

Prior to commencing an activity, the permittee must submit a Pre-Construction Notification (PCN) to the District Engineer, for that portion of paragraph (a) of Nationwide Permit (NWP) 3 applicable to the repair, rehabilitation, or replacement in-kind of any previously authorized currently serviceable structure or fill destroyed or damaged by storms, floods, fires, or other discrete events in the following circumstance:

The permittee must submit a PCN to the District Engineer (see General Condition 32 and Regional General Condition 32) for all tide gate replacements where a self-regulating tide gate is not being proposed. Self-regulating tide gates allow tidal flow and fish passage but can be set to close at a specified water level. For projects not proposing the use of self-regulating tide gates, the applicant shall demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates, and shall also provide documentation that the waterway above the proposed gate does not currently support diadromous fish migrations. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

B. Nationwide Permit 23 Approved Categorical Exclusions:

Prior to doing the work, the permittee shall submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

C. Nationwide Permit 27 Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities:

Prior to doing the work, the permittee shall submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

1. Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement, is restricted to shellfish species that are native to that waterbody.
2. For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and

intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the PCN and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

3. For activities involving impacts greater than 10,000 square feet of aquatic estuarine habitat within mesohaline waters (i.e., salinity 5-18 parts per thousand) of the mid and upper Chesapeake Bay, the PCN shall include information concerning the distribution of horned pondweed (*Zannichellia palustris*) within the project site. Distribution information of horned pondweed shall include a recent ground-truth survey of the area during the period May 1 through June 15. Horned pondweed is less prevalent or does not occur in the tidal waters of the Maryland Atlantic Coastal Bays and upstream of the geographical exclusion lines shown on *Figure 1 – 2021 Nationwide Permits (NWP) Low Salinity Waters of the Chesapeake Bay in Maryland*. Therefore, documentation regarding the presence or proximity of horned pondweed is not required in these areas. See NWP General Condition 32(b)(5) for additional information on delineation of special aquatic sites, including submerged aquatic vegetation. The applicant may request the Corps conduct surveys for horned pondweed; however, this may result in significant delays in review timeframes.

4. The full suite of aquatic habitat functions and services must be considered when determining whether the net gains in aquatic resource functions and services required by this NWP will occur. When conducting these evaluations to determine NWP eligibility, there should not be a focus on a specific aquatic resource function, or the ecological service(s) produced from that aquatic resource function. To assist the Corps in making these determinations, prospective permittees considering such activities should provide supporting information in their NWP 27 PCNs to demonstrate net increases in aquatic resource functions and services. Prospective permittees should consider using a Corps-accepted before-and-after functional or conditional assessment protocol to demonstrate project net gains in aquatic resources and services has been achieved.

D. Nationwide Permit 30 Moist Soil Management for Wildlife:

Prior to doing the work, the permittee must submit a Pre-Construction Notification to the District Engineer (see General Condition 32 and Regional General Conditions 32).

E. Nationwide Permit 38 Cleanup of Hazardous and Toxic Waste:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the Pre-Construction Notification and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

F. Nationwide Permit 48 Commercial Shellfish Mariculture Activities:

1. This Nationwide Permit (NWP) **does not** authorize work where:

a. Work or activities are proposed to extend into anchorage areas; customary boating channels; navigation fairways; marked, lighted, or charted channels; or state or federal navigation channels.

b. Work or activities are proposed that adversely affect ingress to and egress from neighboring properties or other areas.

c. Predator control devices (i.e., mesh fences, mesh nets, mesh tents) are proposed to be suspended or erected vertically or obliquely in the water column, or used to surround or enclose shellfish/containment gear. This condition does not preclude the use of cages for shellfish containment.

2. The prospective permittee must submit a Pre-construction Notification (PCN) to the District Engineer using the joint state/federal application for a commercial shellfish aquaculture lease and federal permit (<https://dnr.maryland.gov/fisheries/Documents/Commercial-Shellfish-Lease-Application.pdf> and <https://dnr.maryland.gov/fisheries/Documents/Shellfish-Lease-Application-Instructions.pdf>) when:

a. The project does not have a valid authorization from the Corps in effect as of March 15, 2021. Note: A PCN is not required for “shell on bottom” projects approved by the Maryland Department of Natural Resources (MDNR) prior to July 1, 2009;

b. The activity involves any change in the mariculture type (bottom culture, floating structures, or structures suspended in the water column) from what was previously authorized by the Corps;

c. The activity is proposed within areas designated as anadromous fish spawning habitat in the Maryland Coastal Atlas (<https://gisapps.dnr.state.md.us/coastalatlas/WAB2>).

3. For activities within areas designated as anadromous fish spawning habitat in the Maryland Coastal Atlas (<https://gisapps.dnr.state.md.us/coastalatlas/WAB2>), the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service (NMFS) – Habitat and Ecosystem Services Division.

4. In addition to the information required by NWP 48, General Conditions and Regional General Condition 32, the PCN must include the following information, also published, and provided on the District’s website (see *Commercial Shellfish Aquaculture*):

a. Legible project vicinity map (black line on white background), to scale, and depicting the footprint of the project area relative to prominent land/water geographic features, including approximate latitude/longitude coordinates of the project footprint.

b. Legible overview plans (black line on white background), to scale (100':1", or 50':1"), depicting the entire project footprint and adjacent waters overlaid on composite mapping of the 5 most recent years of submerged aquatic vegetation (SAV) data (derived from the Virginia Institute of Marine Science (VIMS) aerial surveys), and showing local water depths (bathymetry) of the project area, and other important ecological features of the site (e.g., native tidal marsh) that may be affected by project activities.

c. Detailed project description, with the following information:

i. Description of proposed activities, including site preparation and harvest activities (e.g., dredging, harrowing and dragging of bottom substrate, tonging), and a description of how structures and vertical and horizontal lines would be arranged throughout the project area, spacing of rows and spacing between structures;

ii. Types of mariculture gear to be used, including anchoring devices, maximum number of vertical and horizontal lines, and buoys;

iii. Acreage of project footprint affecting bottom and water column;

iv. Impacts (temporary and/or permanent) to aquatic areas required for access to the aquaculture facility/gear, and remedial measures proposed to restore temporarily affected aquatic areas;

v. Substrate type of bottom affected by proposed activities (particularly for on-bottom activities) (e.g., soft sand, hard sand, mud, shell.).

d. Statement explaining in detail how the proposed work will not interfere with general navigation in the area of the proposed work and will not hinder or adversely affect ingress to or egress from neighboring properties or other areas.

e. Cross-sectional view of proposed aquaculture structures and all associated apparatus that represents the proposed operations of the activity (on- bottom, suspended, or floating).

5. The total number of vertical and horizontal lines must be minimized to the maximum extent practicable.

Note: The Maryland Department of Natural Resources will forward the Joint Application to the Corps on behalf of the applicant, or the applicant may submit the application directly to the Corps. The Corps' review period shall commence with the receipt of a completed PCN at the Corps' District Office.

G. Nationwide Permit 52 Water-Based Renewable Energy Generation Pilot Projects:

1. The PCN must include the estimated life span of the proposed pilot project and a description of maintenance and planned decommissioning activities that will require a Department of the Army permit.

2. For activities in all tidal waters, tidal wetlands, nontidal coastal plain streams within the State of Maryland, and all nontidal Piedmont streams in Harford and Cecil Counties, Maryland, the Corps of Engineers will coordinate review of the PCN and an essential fish habitat (EFH) assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

H. Nationwide Permit 53 Removal of Low-Head Dams:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the Pre-Construction Notification and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

I. Nationwide Permit 55 Seaweed Mariculture Activities:

1. For all activities, the Corps of Engineers will coordinate review of the Pre-Construction Notification and an EFH assessment with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. This Nationwide Permit (NWP) **does not** authorize work where:

a. Work or activities are proposed to extend into anchorage areas; customary boating channels; navigation fairways; marked, lighted, or charted channels; or state or federal navigation channels.

b. Work or activities are proposed that adversely affect ingress to and egress from neighboring properties or other areas.

c. Predator control devices (i.e., mesh fences, mesh nets, mesh tents) are proposed to be suspended or erected vertically or obliquely in the water column or used to surround or enclose mariculture/containment gear.

3. In addition to the information required by paragraph (b) of the general condition 32 and the activity-specific pre-construction notification requirements, the PCN must also include the following information:

- a. A description of the quantity and dimensions of all proposed structure(s), including culture gear (lines, cages, pens, etc.), anchors, and site markers;
- b. A location map including the longitude and latitude of site boundaries;
- c. A schematic or drawing showing how the gear will be deployed on the site;
- d. Bottom characteristics and benthic species present (e.g., shellfish, submerged aquatic vegetation) in the project area(s). (See: <https://gisapps.dnr.state.md.us/coastalatlas/WAB2/>, <https://www.vims.edu/research/units/programs/sav/access/maps/index.php>, and <http://mobjack.vims.edu/sav/savwabmap>).

J. NWP A. Activities to Improve Passage of Fish and Other Aquatic Organisms:

1. Prior to doing the work, the permittee shall submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

II. Regional Conditions Applicable to All 2021 Nationwide Permits within the State of Maryland Unless Otherwise Stated:

Note: To qualify for NWP authorization, the prospective permittee must comply with the following regional general conditions, as applicable, in addition to any specific NWP regional conditions identified above in Section I, the general conditions found in the issuance and reissuance the NWPs published in the *Federal Register* on December 27, 2021 (86 FR 73522), and any activity-specific verification conditions imposed by the District Engineer.

A. Nationwide Permit Regional General Condition #2 Aquatic Life Movement:

1. **Anadromous Fish Time-of-Year Restriction:** This condition applies to NWPs: 3a, 22, 23, 25, 27, 37, 38, 53, 55 and A.

To ensure that authorized activities do not impact spawning habitat or a migratory pathway for anadromous fish, work is prohibited during February 15 to June 15 each year to protect sensitive life stages of anadromous fish in all tidal and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, unless specifically waived by the District Engineer in consultation with National Marine Fisheries Service - Habitat and Ecosystem Services Division.

2. All culverted road crossings of perennial and intermittent streams must meet the below culvert depression criteria, or a Pre-Construction Notification (PCN) is required to be submitted to the District Engineer for review. Extensions of existing culverts that are not depressed below the stream bottom do not require a PCN.

a. Culverts measuring greater than 36 inches in diameter must be depressed 12 inches below the stream bottom; or

b. Culverts measuring 36 inches or less in diameter must be depressed 6 inches below the stream bottom.

3. If depression of the culvert is not practicable in accordance with this depression criteria, the applicant must submit a Pre-Construction Notification, including a narrative documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. Within anadromous fish use areas, the Corps shall provide a copy of the PCN, including supporting documentation, to the National Marine Fisheries Service – Habitat and Ecosystem Services Division for any culvert which cannot be depressed as outlined in this Regional General Condition 2, *Aquatic Life Movements*. Anadromous fish use areas include tidal and perennial and intermittent nontidal coastal plain streams within the State of Maryland and all perennial and intermittent piedmont streams in Harford and Cecil County, Maryland. The applicant may find it helpful to contact National Marine Fisheries Service for recommendations about the measures to be taken to allow for fish passage.

B. Nationwide Permit Regional General Condition #18 Endangered Species:

1. **For U.S. Fish and Wildlife Service (FWS) ESA species:** All permittees must use the FWS Chesapeake Bay Field Office Project Review website (IPaC) (<https://ecos.fws.gov/ipac/>) to determine if any federally listed species or designated critical habitat may be present in the proposed project area. A complete application must contain one of the following:

a. If the FWS website shows that listed species or designated critical habitat may be present in the proposed project area, then, using the FWS website tool, the permittee must obtain and submit a FWS Official Species List tailored for the proposed project area with the PCN. An Official Species List is considered valid for 90 days.

b. If the FWS website shows that no listed species or designated critical habitat are determined to be present in the proposed project area, then, using the FWS website tool, the permittee must generate and submit with the PCN a report that includes an online self-certification letter and a map of action area.

2. Interactions with NMFS Federally Threatened or Endangered Species: Any interaction between sturgeon, sea turtles, or any species listed now or in the future under federal law as a threatened or endangered species (“listed species”) and the vessels associated with the project must be reported to the National Marine Fisheries Service – Protected Resource Division as follows:

a. If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the NMFS Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery;

b. If the animal requires assistance, the call to the hotline must be made immediately;

c. If the animal appears to be injured (i.e., bleeding, gasping for air, etc.) or dead, the permittee or its representative must also immediately call the hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify District Engineer of all communications and coordination with the NMFS within two calendar days. Additional information about any federally threatened or endangered species may be obtained online at: <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/index.html>. An interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

3. Vessel Buffer: When listed species are sighted, vessels must attempt to maintain a distance of 50 yards (150 feet) or greater between the animal and the vessel whenever possible. State and federal regulations prohibit approaching a right whale within a 500- yard (1,500 foot) buffer zone. Any vessel finding itself within the 500-yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100 yards (300 feet) of the animal must be avoided. Dredge vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported as described above in condition #2, *Interactions with NMFS Federally Threatened or Endangered Species*.

4. Conditions for Pile Driving Activities Applicable Within Tidal Waters of the Chesapeake Bay in Maryland:

a. A Pre-Construction Notification (PCN) must be submitted to District Engineer if one of the following conditions cannot be met:

i. Plastic or concrete piles must be less than 12 inches in diameter when a cushioned impact hammer or vibratory hammer is utilized for installation.

ii. Timber piles must be 12 inches or less in diameter when a vibratory hammer is utilized for installation.

iii. Vinyl or timber sheet piles must be 24 inches or less in width, as measured from the outer edge of corrugation to the inner edge of corrugation, when a cushioned impact hammer or vibratory hammer is used.

iv. Pile driving activities are located within freshwater tributaries or within tidal or nontidal wetlands.

v. Piles of any size/type with any hammer method must be installed behind diversion structures or in the dry when the tide is out in the intertidal zone.

vi. Piles of any size/type with any hammer method must be installed between November 30 and March 15.

b. Pile driving must be initiated with a soft start each day of pile driving, building up power slowly from a low energy start-up over a 20-minute period to allow fish and other wildlife to leave the area.

5. Sediment Disturbing Activities Time-of-Year Restriction: Within all tidal waters of the Chesapeake Bay and its tidal tributaries in Maryland with salinity levels <6 parts per thousand, sediment disturbing activities, including pile driving activities, are prohibited during the period April 1 through June 30 for the protection of shortnose sturgeon during early life stages in these waters unless a waiver is received from the District Engineer (see attached Figure 1).

6. Critical Habitat: Any work proposed in designated or proposed critical habitat requires a Pre-Construction Notification (PCN) to the Corps. Current designated Critical Habitat within the State of Maryland includes:

a. Potomac River from the mouth of the Chesapeake Bay to the Little Falls Dam, including Brenton Bay and St. Clements Bay

b. Nanticoke River from the mouth of the Chesapeake Bay to the Route 313 bridge, and

c. Marshyhope Creek from the confluence with the Nanticoke River to the Route 318 bridge.

C. Nationwide Permit Regional General Condition #22 Designated Critical Resource Waters:

Within the State of Maryland, the designated National Estuarine Research Reserves applicable to NWP Regional Condition #22 are:

1. Jug Bay
2. Otter Point Creek
3. Monie Bay

D. Nationwide Permit Regional General Condition #32 Pre-Construction Notification:

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 32, *Pre-Construction Notification*. These regional general conditions are applicable to all NWPs where a PCN is submitted to the District Engineer. This includes the following: (a) those NWPs that require a PCN, (b) those NWPs requiring notification to the District Engineer pursuant to NWP General Conditions 18 and 22, (c) those NWPs requiring notification to the District Engineer pursuant to a regional condition, and (d) any other pre-construction notifications to the District Engineer where an applicant has requested verification of an NWP authorization.

1. A PCN shall be submitted the Baltimore District Corps of Engineers for proposed construction and modification of docks, piers, and other structures that will occur along and/or within 150 feet of the horizontal limits of a federally authorized channel within the Baltimore District Civil Works Boundary as identified by:

<http://www.nab.usace.army.mil/Missions/Civil-Works/Nav-Maps/>. In addition, a PCN is required for the replacement of previously authorized, currently serviceable structures located along federally authorized channels that are destroyed by an act of nature or sudden event. As part of any PCN adjacent to a federally authorized channel, the permittee must provide the latitude and longitude of the channelward most point of the proposed structure.

2. **Waters Containing Submerged Aquatic Vegetation (SAV) Beds:** A PCN is required for all activities proposed within 50 feet of mapped SAV or locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season. When a PCN is required, the District Engineer will provide a copy of the complete PCN to the National Marine Fisheries Service-Habitat and Ecosystem Services Division (NMFS) for all activities proposed within 50 feet of mapped SAV or locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season. The PCN shall include plans depicting the entire project footprint

and adjacent waters overlaid on composite mapping of the five (5) most recent years of verified SAV data (derived from the Virginia Institute of Marine Science (VIMS) aerial surveys or locations of SAV otherwise identified from actual SAV surveys conducted during the growing season). The NMFS will have a 30-calendar day review and comment period from the date of their receipt of the EFH assessment, as provided by the Magnuson-Stevens Fishery Conservation and Management Act. Additional avoidance and minimization measures, such as relocating a structure, or time-of-year restrictions may be required to reduce impacts to SAV habitat. The Virginia Institute of Marine Science aerial surveys may be obtained at:

<https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <http://mobjack.vims.edu/sav/savwabmap>.

3. All PCNs to the District Engineer shall be completed using the established Corps of Engineers permit application procedures for that locality (see <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-MD/>). All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the nationwide permit conditions, including General Condition 32:

a. For projects along and/or within 150 feet of the horizontal limits of a federally authorized channel, the location and depth of any federal navigation channel shall be shown in relation to the proposed project.

b. Copy of response from the FWS concerning any federally listed Threatened and Endangered Species that may be affected by the proposed activity. Completion of the required screening identified in Regional General Condition 18 and submission of the documents required by the PCN serves as compliance with this condition.

c. Copy of response from the State Historic Preservation Officer concerning historic properties that may be affected by the proposed activity.

d. Documentation from the appropriate state agency indicating whether the proposed project is located within a State Natural Heritage site (Maryland Department of Natural Resources), Outstanding National Resource Water (Maryland Department of the Environment), or National Estuarine Research Reserve (<https://coast.noaa.gov/nerrs/>). For further information, reference NWP General Condition 22.

E. Nationwide Permit Regional General Conditions A for Certain Activities in Navigable Waters:

The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking

into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

Nominal System Voltage (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. The PCN for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation;

b. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required;

c. Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer;

d. All proposed work shall comply with the most current version of the Baltimore District's setback guidance on the Baltimore District Regulatory website at: <http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>.

2. Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the District Engineer and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910, with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

3. Aids to Navigation: If the Corps or the U.S. Coast Guard determine that private aids to navigation are required to mark the project area, the permittee must prepare and provide for USCG approval using a Private Aids to Navigation Application (CG-2554).

Approval from the Coast Guard for the Private Aid to Navigation must be received prior to commencement of the authorized work. The form can be found at:

https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the Corps.

F. Nationwide Permit Regional General Condition B *Poured Concrete into Forms*:

Activities that involve the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set.

G. Nationwide Permit Regional General Condition C *Temporary Impacts to Streams*:

Following completion of construction, temporarily affected stream beds shall have bottom contours restored using clean, native materials, where practicable

H. Section 401 Water Quality Certification Conditions:

The conditions of the Maryland Department of the Environment's Clean Water Act Section 401 water quality certification (WQC) dated October 12, 2021, for activities authorized under NWPs 3(a), 4, 8, 17, 20, 22, 23, 24, 25, 27, 30, 31, 32, 37, 38, 48, 52, 53, and 54 (see Appendix A) are incorporated herein as regional conditions. If the permittee cannot comply with all the conditions of this WQC, then the permittee must obtain an individual Section 401 WQC or waiver thereof for any of these NWPs that may result in a discharge into waters of the United States.

I. Coastal Zone Management Act Consistency Determination Conditions:

The Maryland Department of Environment concurred that the Nationwide Permits issued on December 27, 2021 (86 FR 73522) and Maryland Regional Conditions finalized herein are consistent with the Maryland's Coastal Zone Consistency Program's enforceable policies subject to the conditions of the Maryland Department of the Environment's coastal zone management consistency concurrence herein attached in Appendix B for NWPs 3(a), 4, 8, 17, 20, 22, 23, 24, 25, 27, 30, 31, 32, 37, 38, 48, 52, 53, 54, and 55. If a permittee cannot comply with all of the conditions of this coastal zone management consistency concurrence, then the applicant must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by any of these Nationwide Permits.

SPECIAL NOTES:

As required, the District Engineer shall coordinate a PCN with the following federal and state agencies.

Environmental Protection Agency
Region 3 1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

State Historic Preservation Officer
Maryland Historical Trust
Division of Historical & Cultural Programs
100 Community Place
Crownsville, Maryland 21032-2023

U.S. Department of the Interior
Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

NOAA/National Marine Fisheries Service
Habitat and Ecosystem Services Division
200 Harry S. Truman Pkwy, Ste 460
Annapolis, Maryland 21401
<https://www.fisheries.noa.gov/contact/greater-atlantic-region-habitat-and-ecosystem-services-division>

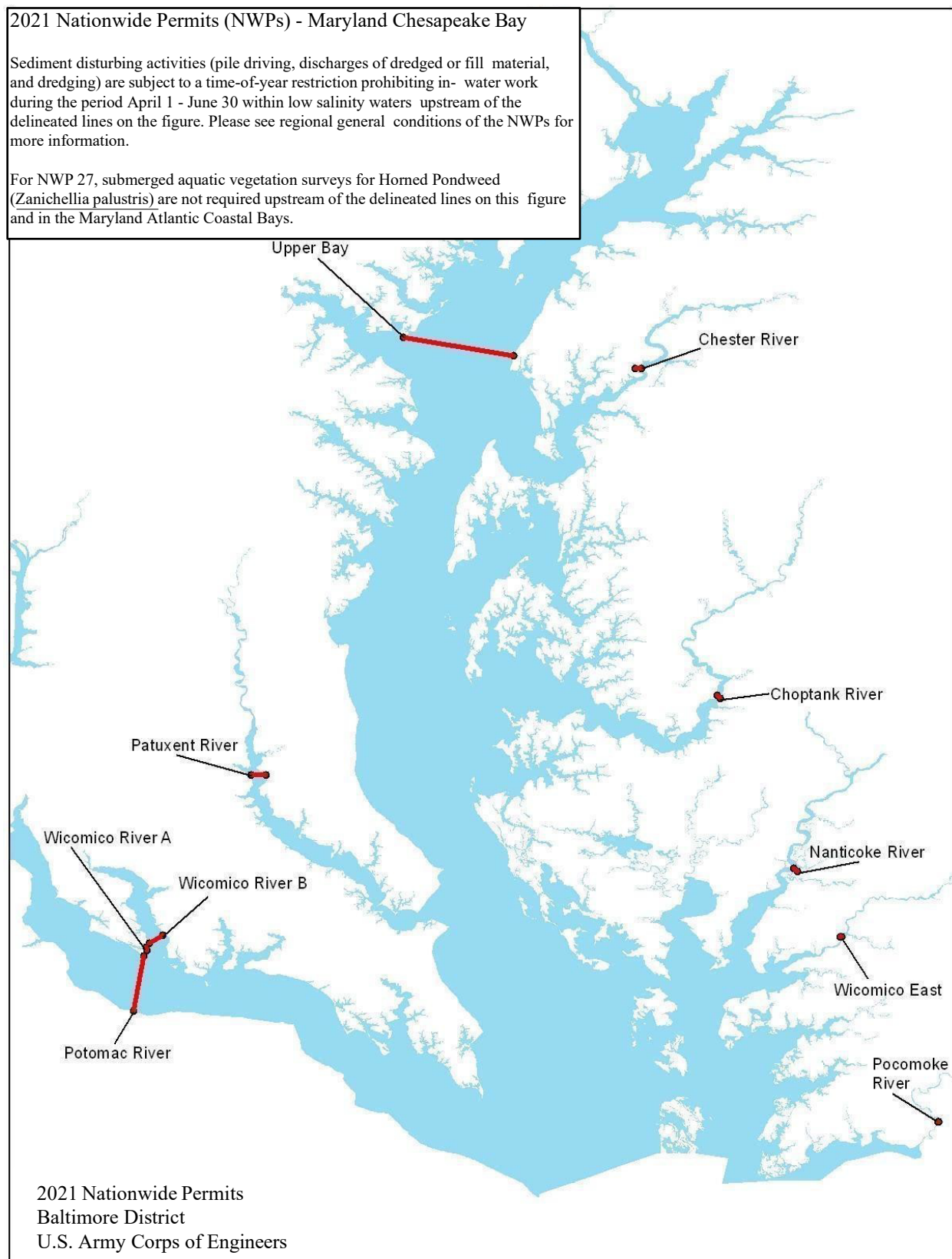
NOAA Fisheries Greater Atlantic Regional Fisheries Office
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930
Nmfs.gar.esa.section7@noaa.gov

Maryland Department of the Environment
Water Resources Administration
Wetlands and Waterways Program
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Maryland Department of Natural Resources
Environmental Review, B-3
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Natural Resources Conservation Service – USDA: local service centers
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/md/contact/local/#Baltimore>

Figure 1 - Low Salinity (<6 ppt) Waters of the Chesapeake Bay in Maryland



REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS IN THE COMMONWEALTH OF PENNSYLVANIA

I. Regional Conditions Applicable to Specific Nationwide Permits within the Commonwealth of Pennsylvania:

A. Nationwide Permit 3 Maintenance:

For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania¹, the permittee must submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) prior to commencing the activity for all tide gate replacements where a self-regulating tide gate is not being proposed. Self-regulating tide gates allow tidal flow and fish passage but can be set to close at a specified water level. For projects not proposing the use of self-regulating tide gates, the applicant shall demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates and shall also provide documentation that the waterway above the proposed gate does not currently support diadromous fish migrations. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

B. Nationwide Permit 5 Scientific Measurement Devices:

The construction or installation of subaqueous turbines or similar facilities is not authorized by this Nationwide Permit.

C. Nationwide Permit 6 Survey Activities:

1. Use of in-water explosives is not authorized under this Nationwide Permit.
2. The permittee shall ensure that all in-stream exploratory trenching is conducted under dry conditions and returned to preconstruction conditions and elevations.

D. Nationwide Permit 7 Outfall Structures and Associated Intake Structures: The following regional conditions are applicable only to the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

1. Intake structures should be equipped with screening (with mesh size no larger than 2mm) of wedge wire or another material of equal or better performance. In addition, intake velocities should not exceed 0.5 ft. /sec. This condition may be waived by the District Engineer if an applicant proposes to utilize new or improved technologies that meets or exceeds the “wedge wire” design technology.

¹ District Boundaries can be found at the weblinks listed in Special Note 1.

2. The intake structure shall be positioned such that its design minimizes impingement and entrainment of aquatic species where feasible. This would include efforts that result in stream velocities over, around or past the intake structure that exceed the velocities through the intake structure.

E. Nationwide Permit 10 Mooring Buoys:

1. Water depths in the mooring area must be sufficient so that any moored vessels float at all stages of the tide or mean low water.

2. Mooring buoys are prohibited in areas containing submerged aquatic vegetation.

F. Nationwide Permit 11 Temporary Recreational Structures:

1. Prior to doing the work, permittees must submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

2. Water depths in mooring areas must be sufficient so that any moored vessels float at all stages of the tide or mean low water.

3. This Nationwide Permit (NWP) does not authorize the placement of any temporary structures in any areas containing submerged aquatic vegetation.

4. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, NWP #11 is applicable only to structures associated with discrete or specific recreational events.

G. Nationwide Permit 12 Oil or Natural Gas Pipeline Activities, Nationwide Permit 57 Electric Utility Line and Telecommunications Activities, and Nationwide Permit 58 Utility Line Activities for Water and Other Substances: Prior to commencing the activity, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (See General Condition 32 and Regional General Condition 32).

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that:

a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is approved by the District Engineer.

2. The PCN shall include the following additional information:

a. For all submerged pipelines, cables, and utility lines across navigable waters of the United States: A location map and cross-sectional view drawing showing the pipeline, cable, or utility line crossing from bank to bank in relationship to the waterway bottom.

b. For pipeline, cable, and utility line projects completed by horizontal directional drilling or other boring methods: The PCN will include a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the U.S. necessary for the remediation of inadvertent returns of drilling fluids. If an inadvertent return occurs, and the remediation requires work within waters of the U.S. that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible.

3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The pipeline, cable, or utility line should make a perpendicular crossing of a stream when feasible. Horizontal directional drilling shall be reviewed as an option where feasible.

4. For projects that cross federal navigation channels, all pipelines, cables, and utility lines shall be buried the minimum depth below the authorized depth of the federal navigation channel consistent with the District's requirements. Section 408 permission will be required. For Philadelphia District – see condition #5 below. For Baltimore District: <https://www.nab.usace.army.mil/portals/63/docs/regulatory/pubs/spn11-17.pdf>; For Pittsburgh District: <https://www.lrd.usace.army.mil/Missions/Regulatory/Pennsylvania/#Navigable%20Waterways>

5. Regional Conditions specific in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

a. For Buried Pipelines, Cables, and Utility Lines Across the Delaware River Federal Navigation Channel: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of 25 feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of 15 feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

b. For Buried Pipelines, Cables, and Utility Lines Across the Schuylkill River Federal Navigation Channel: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of 20 feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of 10 feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

c. For Buried Pipelines, Cables, and Utility Lines Across "ALL OTHER" Federal Navigation Channels: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of **6** feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of **4** feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation. ([http://www.nap.usace.army.mil/Missions/Civil- Works/Surveys/Projects/](http://www.nap.usace.army.mil/Missions/Civil-Works/Surveys/Projects/)).

H. Nationwide Permit 13 Bank Stabilization: The following regional conditions are applicable only to the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

1. Any activity requiring a Pre-Construction Notification (PCN) to the District Engineer that does not utilize bioengineering, vegetative stabilization, or combinations of vegetative and structural bank stabilization methods must include an analysis demonstrating that such measures were not practicable and/or appropriate.

2. This Nationwide Permit may not be used to authorize any stabilization activity where no demonstrable erosion or threat of erosion is evident.

3. A PCN shall be provided to the Corps for all in-water structures, such as bioengineering, break waters, sills, gabion baskets, wave attenuation devices (WADs), or any combinations of bank stabilization techniques, placed offshore of the bank for the purpose of erosion control or prevention. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

I. Nationwide Permit 14 Linear Transportation Projects:

1. Prior to doing the work, permittees shall submit a Pre-Construction Notification to the District Engineer, (see General Condition 32 and Regional General Condition 32) if a Section 10 permit is required.

2. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, stream or open water crossings shall be designed to maintain continuity of existing benthic habitats and to maintain existing stream flow patterns. This can be achieved through the use of elevated structures, bottomless culverts, or by depressing culverts below the stream bottom. This design requirement must include a site-specific evaluation of the particular stream or water body to determine if it is experiencing erosion or sedimentation rates that would alter the bottom elevation. Where a series of culverts are used, only those cells or culverts, which carry the base stream flow, shall be depressed. The bottom of any other culverts or cells shall be raised to pass and maintain

existing and expected high flows. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.

J. Nationwide Permit 18 Minor Discharges:

Prior to doing the work, permittees shall submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

K. Nationwide Permit 19 Minor Dredging:

Prior to doing the work, permittees shall submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

L. Nationwide Permit 23 Approved Categorical Exclusions:

Prior to commencing the activity, permittees shall submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

M. Nationwide Permit 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities:

1. Prior to commencing the activity, permittees shall submit a Pre-Construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).
2. Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement for shellfish, is restricted to shellfish species that are native to that waterbody.
3. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

N. Nationwide Permit 28 Modifications of Existing Marinas:

1. Prior to doing the work, permittees shall submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).
2. For projects in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to those marinas previously reviewed and approved by the District Engineer through the Individual Permit process.

O. Nationwide Permit 30 Moist Soil Management for Wildlife:

Prior to commencing the activity, permittees must submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

P. Nationwide Permit 35 Maintenance Dredging of Existing Basins:

1. Permittees must submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

2. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to maintenance dredging of existing basins previously reviewed and approved by the District Engineer through the Individual Permit process.

Q. Nationwide Permit 38 Cleanup of Hazardous and Toxic Waste:

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, a Pre-Construction Notification (PCN) is required, and the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

R. Nationwide Permit 48 Commercial Shellfish Mariculture Activities: For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, prospective permittees must submit a Pre-construction Notification (PCN) to the District Engineer for all activities in waters of the United States.

1. Any introduced shellfish must be indigenous to the area and must be certified under any state standards as being disease and parasite free.

2. Predator control devices (i.e., mesh fences, mesh nets, and mesh tents) suspended or erected vertically or obliquely in the water column to surround or enclose shellfish containment gear is prohibited.

3. All structures associated with the mariculture activity must be removed from waters of the United States when/if the activity is abandoned.

4. Use of unsuitable materials for shellfish seeding (i.e., asphalt, bituminous concrete slag, tires, wallboard, plastic, wood, metal, crushed glass, and garbage) is prohibited.

5. Each individual cage and/or bag shall be directly tagged to display the owner's name, address, lease location and U.S Army Corps of Engineers permit number.

6. To protect navigation during daylight, lowlight, and nighttime conditions, the perimeter of the lease site and authorized structures shall be marked in accordance with the U.S. Coast Guard requirements. The prospective permittee shall contact the U.S. Coast Guard at the following address to determine marking requirements and shall comply with such requirements as directed by the U.S. Coast Guard: Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704; and no gear shall be installed prior to receiving official authorization.

S. Nationwide Permit 52 Water-Based Renewable Energy Generation Pilot Projects:

The District Engineer will provide a copy and coordinate review of all Pre- Construction Notifications (PCNs) in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania with the federal and state resource agencies.

T. Nationwide Permit 53 Removal of Low-Head Dams:

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, a Pre-Construction Notification (PCN) is required, and the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

U. Nationwide Permit 54 Living Shorelines: For activities located in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania:

1. A Pre-Construction Notification (PCN) is required, and the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. Fill or dredged material used for the purpose of establishing or re-establishing a vegetative plane must be of appropriate grain size to support plant growth and development.

3. Sills shall be constructed of riprap, gabion baskets, or clean broken concrete free of metal and re-bar. Alternative materials may be considered for use at the discretion of the District Engineer.

4. Sills shall be designed with at least one 5-foot window/gap per property and per every 100 linear feet of sill unless waived by the District Engineer.

5. The sill height shall be a maximum of +1 foot above mean high water and should be placed at a distance no greater than 30 feet from mean low water to the landward peak side of the sill unless waived by the District Engineer.

6. The total amount of vegetated wetlands which may be filled, graded, or excavated, in square feet, may not exceed the acreage of living shoreline establishment or re-establishment unless the District Engineer waives this criterion by making a written determination concluding that the project will result in minimal adverse effects. All temporary impacts to sub-tidal, inter-tidal, and/or existing wetland vegetation shall be restored to previous conditions and may require a wetland planting plan.

7. If the proposed project results in temporary impacts to existing wetland vegetation, then the permittee shall monitor the re-establishment of wetland vegetation until such time as the vegetation meets pre-disturbance conditions (i.e., coverage and density). If the wetland is not restored to previous conditions within two complete growing seasons, the permittee shall provide a modification request to the Corps and may be required to provide compensatory mitigation.

V. Nationwide Permit 55 Seaweed Mariculture Activities:

1. For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, the District Engineer will provide a complete copy and coordinate review of the PCN with the NMFS, Habitat Conservation Division.

W. Nationwide Permit 57 Electric Utility Line and Telecommunications Activities:

See Regional Conditions in I. above.

X. Nationwide Permit 58 Utility Line Activities for Water and Other Substances:

See Regional Conditions in I. above.

II. Regional Conditions Applicable to All 2026 Nationwide Permits within the State of Pennsylvania Unless Otherwise Stated:

Note: To qualify for Nationwide Permit (NWP) authorization, the permittee must comply with the following regional general conditions, as applicable, in addition to any specific NWP regional conditions identified above in Section I, the terms and conditions found in the issuance and reissuance of the NWPs published in the *Federal Register* on June, 18 2025 (90 FR 26100), and any activity-specific verification conditions imposed by the Corps.

A. Nationwide Permit Regional General Condition #2 Aquatic Life Movement:

1. For activities in the Philadelphia District Regulatory Area of Responsibility, in order to protect diadromous fish migrations, spawning activities, and EFH, in-water work shall be avoided in accordance with the following time of year restrictions, unless otherwise authorized by the District Engineer through the PCN process:

a. To protect diadromous fish migrations and spawning, in the Delaware River main stem from the Pennsylvania and Delaware State Borders to the U.S. Route 1 Bridge, in Morrisville, and ALL tributaries within this reach, in-water work shall be

avoided from **March 1 to June 30**. This time of year restriction is not applicable to waters of the United States located upstream of an obstruction that precludes fish passage.

b. To protect diadromous fish migrations and spawning in the Delaware River mainstem above the U.S. Route 1 Bridge, in Morrisville, and ALL tributaries north of this point, in-water work shall be avoided from **March 1 to July 31**. This time of year restriction is not applicable to waters of the United States located upstream of an obstruction than precludes fish passage.

c. Work within cofferdams that fully enclose and dewater the project area can proceed any time during the year provided that the cofferdams are installed and removed outside of the seasonal work restriction and do not preclude the free movement of migrating and spawning aquatic species to ensure compliance with NWP General Condition 2 and 3.

d. A request for waiver from these timing restrictions may be requested by submitting a PCN to the Corps and shall include a written statement that clearly describes one or more of the following: (1) why the use of cofferdams cannot be implemented; (2) evidence documenting the waterway does not or has not historically supported migrations and/or spawning habitat; (3) what additional measures have been taken or are being proposed to avoid impacts; (4) and, why the activity must be conducted within the restricted time periods. Cost and logistics along will not be sufficient. The Corps shall coordinate the request with the NMFS.

2. For activities in the Philadelphia and Baltimore Districts area of responsibility, all culverted road crossings of perennial and intermittent streams must meet the below culvert depression criteria, or a Pre-Construction Notification (PCN) is required to be submitted to the District Engineer for review and coordination with the National Marine Fisheries Service – Habitat and Ecosystem Services Division. Extensions of existing culverts that are not depressed below the stream bottom do not require a PCN.

a. Culverts measuring greater than 36 inches in diameter must be depressed 12 inches below the stream bottom; or

b. Culverts measuring 36 inches or less in diameter must be depressed 6 inches below the stream bottom.

3. If depression of the culvert is not practicable in accordance with this depression criteria, the applicant must submit a Pre-Construction Notification, including a narrative documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. The Corps shall provide a copy of the PCN, including the supporting

documentation, to the NMFS for any culvert which cannot be depressed as outlined in this Regional General Condition 2 for Aquatic Life Movements. The applicant may find it helpful to contact National Marine Fisheries Service for recommendations about the measures to be taken to allow for fish passage.

B. Nationwide Permit Regional General Condition #16 *Wild and Scenic Rivers*:

1. Permittees must provide a PCN if a proposed NWP activity will occur in the following officially designated National Wild and Scenic Rivers:

a. Allegheny River, from the Kinzua Dam mile 197.2, downstream approximately 7 miles to US Route 6 Bridge, at mile 190.7, in Warren, then from the Buckaloons Recreation Area in Allegheny National Forest at mile 181.7 downstream 47 miles to Alcorn Island just north of Oil City at river mile 133.7, and then continuing from the Franklin Wastewater Treatment Plant at mile 122.7, downstream 31 miles to the refinery at Elmenton mile 90.7;

b. Clarion River from mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and State Game Lands boundary to mile 39.4 at the normal pool elevation of Piney Dam;

c. Upper Delaware Scenic and Recreational River, including the ¼ mile buffer from each bank, beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania;

d. Middle Delaware Scenic and Recreational River (from bank to bank) beginning approximately four miles below Port Jervis, extending downstream approximately to the boundary between Monroe and Northampton Counties in Pennsylvania (just below the Interstate 80 bridge);

e. Lower Delaware River beginning 7 river miles north of Belvidere, New Jersey, continuing to Washington Crossing, Pennsylvania, including Paunacussing Creek, within Solebury Township; all of the Tinicum Creek, including Rapp Creek and Beaver Creek Tributaries; and Tohickon Creek from the mouth to the Lake Nockamixon Dam, including a ¼ mile buffer from each bank. The towns of Belvidere, Phillipsburg, and Easton, as well as existing power plants, water supply intakes and wastewater outfalls are not included in the designated area; and

f. White Clay Creek watershed including all of its tributaries.

2. For activities in the Philadelphia District Regulatory Area of Responsibility within Wild and Scenic Rivers, coordination between the prospective permittee and the National Park Service is required for any activity potentially affecting a component of the National Wild and Scenic Rivers System or a river under official study status. No work shall begin until the National Park Service has determined in writing that the proposed activity will not adversely affect the designation or study status. Documentation of coordination and National Park Service concurrence shall be forwarded to the Corps of

Engineers. Additional coordination between the Corps of Engineers, the prospective permittee, and National Park Service may be necessary on a case-by-case basis to address identified Wild and Scenic River issues.

National Park Service correspondence shall be sent to the following addresses:

a. For projects located within the Upper Delaware Scenic and Recreational River, the applicant shall send all correspondences to: Natural Resources Chief, Upper Delaware Scenic and Recreational River, 274 River Road, Beach Lake, Pennsylvania 18405-9737.

b. For projects located within the Middle Delaware Scenic and Recreational River, the applicant shall send all correspondences to: Chief of Resource Management & Science Division, National Park Service, Delaware Water Gap National Recreation Area, 1978 River Road, P.O. Box #2, Bushkill, Pennsylvania, 18324.

c. For projects located within the Lower Delaware River and White Clay Creek Wild and Scenic, the applicant shall send all correspondence to: The National Park Service, Interior Region 1, 1234 Market Street, Philadelphia, Pennsylvania, 19107.

3. For activities in the Pittsburgh District Regulatory Area of Responsibility within Wild and Scenic Rivers, prior to the prospective permittee performing any activity in waters of the U.S., U.S Forest Service approval shall be obtained for the project by the Pittsburgh District prior to Nationwide Permit verification.

C. Nationwide Permit Regional General Condition #18 Endangered Species:

1. U.S. Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) Requirements:

a. Prior to commencing the activity, the applicant must complete a Pennsylvania Natural Diversity Inventory (PNDI) project screening for federally listed threatened and endangered species. The PNDI Environmental Review Tool is located at: <https://conservationexplorer.dcnr.pa.gov/>. If the PNDI receipt identifies a "Potential Impact" or "Avoidance Measure" relevant to a listed or eligible for listing USFWS species, then the applicant must submit a PCN to the District Engineer and forward the PNDI to the USFWS (see General Condition 32 and Regional General Condition 32), prior to doing work. **(See Addresses in Special Note below)**. The applicant shall provide evidence that a duplicate copy of the PCN has been submitted to, and received by the USFWS (e.g., copy of certified/registered mail receipt or email). A USFWS letter (issued pursuant to the ESA) serves as evidence that the permittee has contacted the USFWS.

b. Prior to any work within the **Delaware River** whereby the regulated activities extend across state boundaries (PA/NJ), the applicant shall document that they have followed the consultation guidance published on the New Jersey Field Office website: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html> to determine if

a proposed NWP activity may affect a listed species. The permittee shall generate a list of federally listed species for the action area using the USFWS's Information for Project Planning and Conservation (IPaC) at the following website <https://ecos.fws.gov/ipac/>. Upon your review of IPaC report, the proposed activity shall be screened for potential adverse effects to any listed species using the screening procedures published on the New Jersey Field Office website, or other more specific screening procedures that have been developed by the New Jersey Field Office for particular agencies, organizations, activities, or species. The permittee shall follow the guidance provided on the New Jersey Field Office website. If necessary, contact the New Jersey Field Office for further coordination prior to applying (PCN) to the District Engineer for an NWP verification.

2. National Marine Fisheries Service- Endangered Species Act Requirements (Applicable in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania):

a. Prior to any work, the prospective permittee shall generate a list of federally-listed species by accessing the NOAA Fisheries ESA Section 7 Mapper found at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater#esa-section-7-mapper>. If upon completion of this review the species list determination indicates there are listed, proposed, or candidate species found in the action area, the prospective permittee is *required* to submit a PCN to the Corps of Engineers to determine if the action will result in an "EFFECT" to the listed species, except in the following waterways:

i. Delaware River mainstem above the U.S. Route 202 Bridge in New Hope, Pennsylvania; and

ii. ALL tributaries above the U.S. Route 202 Bridge in New Hope, Pennsylvania, located off of the Delaware River mainstem.

b. Additional technical consultation guidance to determine if a proposed NWP activity may affect a listed species can be found on the NOAA Fisheries Website: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic>.

D. Nationwide Permit Regional General Condition #32 Pre-Construction Notification:

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 32, *Pre-Construction Notification*. These regional general conditions are applicable to all NWPs where a PCN is submitted to the District Engineer. This includes the following: (a) those NWPs that require a PCN, (b) those NWPs requiring notification to the District Engineer pursuant to NWP General Conditions 18 and 22, (c) those NWPs requiring notification to the District Engineer pursuant to a regional condition, and (d) any other pre-constriction notifications to the District Engineer where an applicant has requested verification of an NWP authorization.

1. For PCN activities in the Philadelphia District Regulatory Area of Responsibility: The prospective permittee shall notify the Philadelphia District Corps of Engineers in accordance with NWP General Condition 32, *Pre-Construction Notification* by using a signed pre-construction notification form (Form ENG 6082).

2. Conditions for Waters Containing Submerged Aquatic Vegetation (SAV) Beds: The prospective permittee shall submit a PCN to the District Engineer for any NWP activity that is proposed within 50 feet of SAV beds, or mapped SAV habitat. Additional avoidance and minimization measures, such as relocating a structure or time-of-year restrictions (TOYR) may be required to reduce impacts to SAV habitat.

3. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality (For Philadelphia District see Section II.D.1., above; For Pittsburgh District see: <https://www.lrp.usace.army.mil/Missions/Regulatory/Forms-and-Publications/>; For Baltimore District see: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-PA/>). Preferably all PCN information can be submitted electronically using district-specific procedures; alternatively, a hard copy may be sent to the Corps. All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the NWP conditions, including General Condition 32:

a. For projects located in the vicinity of a federal navigation channel, the location and depth of any federal navigation channel shall be shown in relation to the proposed project.

b. Copy of response from the FWS concerning any federally listed Threatened and Endangered Species that may be affected by the proposed activity. Completion of the required screening identified in General Regional Conditions #18, *Endangered Species*, and submission of the required documents of the PCN serves as compliance with this condition.

c. Copy of response from the SHPO concerning historic properties that may be affected by the proposed activity.

d. Documentation from the appropriate state agency indicating whether the proposed project is located within a State Natural Heritage site (<https://www.dcnr.pa.gov/Communities/HeritageAreas/Pages/default.aspx#:~:text=Pennsylvania%20Route%206%20Alliance,Susquehanna%20National%20Heritage%20Area>), Outstanding National Resource Water, or National Estuarine Research Reserve (<https://coast.noaa.gov/nerrs/>). For further information, reference NWP General Condition 22.

E. Nationwide Permit Regional General Conditions A for Certain Activities in Navigable Waters:

1. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

Nominal System Voltage (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. The PCN for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation;

b. District Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over District Engineer lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required; and

c. Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

2. Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the District Engineer and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with

professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high-water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

3. Aids to Navigation: If the Corps or the U.S. Coast Guard determine that private aids to navigation are required to mark the project area, the permittee must prepare and provide for United States Coast Guard (USCG) approval (address below) using a Private Aids to Navigation Application (CG-2554), and the approval must be received prior to commencement of the authorized work. The form can be found at this link: https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the applicable Corps District.

F. Nationwide Permit Regional General Condition B *Poured Concrete into Forms:*

Activities that involve the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set.

G. Nationwide Permit Regional General Condition C *Temporary Impacts to Streams:*

Following completion of construction, temporarily affected stream beds shall have bottom contours restored using clean, native materials, where practicable.

SPECIAL NOTES:

Where the Commonwealth has denied 401 WQC and/or not concurred with the Corps' CZM consistency determination for a NWP authorization, the permittee should contact the Commonwealth to obtain an activity specific review and approval by the Commonwealth prior to submitting any required PCN to the District Engineer.

1. The Philadelphia District Area of Responsibility can be found at: <http://www.nap.usace.army.mil/Missions/Regulatory/District-Boundaries/>. The Baltimore District Area of Responsibility can be found at: <http://www.nab.usace.army.mil/Missions/Regulatory/Baltimore-District-Regulatory-Boundary-Map/>.

The Pittsburgh District Area of Responsibility can be found at: https://www.lrp.usace.army.mil/Portals/72/Regulatory_District_Map_Poster%2020190925_0921.pdf.

2. As required, the District Engineer shall coordinate a PCN with the following federal and state agencies:

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

U.S. Fish and Wildlife Service
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801
Email: IR1_ESPenn@fws.gov

National Marine Fisheries Service
Habitat and Ecosystem Services Division
74 Magruder Road
Highlands, New Jersey 07732
<https://www.fisheries.noaa.gov/contact/greater-atlantic-region-habitat-and-ecosystem-services-division>

NOAA Fisheries
Greater Atlantic Regional Fisheries Office
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930
nmfs.gar.esa.section7@noaa.gov

Pennsylvania Historical & Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building
400 North Street, 2nd floor
Harrisburg, Pennsylvania 17120

Pennsylvania Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
Division of Wetlands & Encroachment
Rachel Carson State Office Building
P.O. Box 8460
Harrisburg, Pennsylvania 17105-8775

Pennsylvania Fish and Boat Commission
North Central Law Enforcement
595 Rolling Ridge Drive
Bellefonte, Pennsylvania 16823-9616

Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS FOR THE DISTRICT OF COLUMBIA

All regional conditions listed in Section I and II below are applicable for activities in the District of Columbia. Regional conditions applicable to the Commonwealth of Virginia, including Fort Belvoir, Fort Myer, and the Pentagon within the Baltimore District's area of responsibility, can be found at Norfolk District's website:

<http://www.nao.usace.army.mil/Missions/Regulatory/>.

I. Regional Conditions Applicable to Specific Nationwide Permits within the District of Columbia:

A. Nationwide Permit 3 Maintenance:

1. Prior to commencing the activity, permittees must submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) for all tide gate replacements where a self-regulating tide gate is not being proposed. Self-regulating tide gates allow tidal flow and fish passage but can be set to close at a specified water level. For projects not proposing the use of self-regulating tide gates, the applicant shall demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates and shall also provide documentation that the waterway above the proposed gate does not currently support diadromous fish migrations. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. For activities under NWP 3(b), the removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 50 feet in any direction from the structure, unless specifically authorized by the District Engineer.

B. Nationwide Permit 5 Scientific Measurement Devices:

The construction or installation of subaqueous turbines or similar is not authorized by this Nationwide Permit.

C. Nationwide Permit 6 Survey Activities:

1. Use of in-water explosives is not authorized under this Nationwide Permit.
2. The permittee shall ensure that all in-stream exploratory trenching is conducted under dry conditions.

D. Nationwide Permit 7 Outfall Structures and Associated Intake Structures:

1. Intake structures should be equipped with screening (with mesh size no larger than 1mm) of wedge wire or another material of equal or better performance. In addition, intake velocities should not exceed 0.5 ft. /sec. This condition may be waived by the District Engineer if a prospective permittee proposes to utilize new or improved technologies that meets or exceeds the “wedge wire” design technology.

2. The intake structure shall be positioned such that its design effectiveness minimizes impingement and entrainment of aquatic species where feasible. This would include efforts that result in stream velocities over, around or past the intake structure that exceed the velocities through the intake structure.

E. Nationwide Permit 10 Mooring Buoys:

1. Water depths in the mooring area must be sufficient that any moored vessels float at all stages of the tide or mean low water.

2. Mooring buoys are prohibited in areas mapped and/or ground-truthed (during the growing season) as submerged aquatic vegetation habitat. SAV shall be determined using the five (5) most recent years of verified SAV data (See Regional General Condition #32.2). The delineation of SAV may also be supplemented through ground-truthed SAV surveys conducted during the growing season.

F. Nationwide Permit 11 Temporary Recreational Structures:

1. Prior to doing the work, permittees must submit a Preconstruction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

2. Water depths in the mooring area must be sufficient that any moored vessels float at all stages of the tide or mean low water.

3. This Nationwide Permit does not authorize the placement of any temporary structures in any areas containing mapped and/or ground-truthed (during the growing season) with submerged aquatic vegetation. SAV shall be determined using the five (5) most recent years of verified SAV data (See Regional General Condition #32.2). The delineation of SAV may also be supplemented through ground-truthed SAV surveys conducted during the growing season.

G. Nationwide Permit 12 Oil or Natural Gas Pipeline Activities, Nationwide Permit 57 Electric Utility Line and Telecommunications Activities, Nationwide Permit 58 Utility Line Activities for Water and Other Substances: Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that: a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer.

2. The PCN shall include the following additional information:

a. For all submerged oil and gas pipelines, cables, and utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view drawing showing the pipeline, cable, and utility line crossing from bank to bank in relationship to the waterway bottom;

b. For oil and gas pipeline, cable, and utility line projects completed by horizontal directional drilling or boring methods: The PCN shall include a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the United States. necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the United States that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible.

3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The oil and gas pipeline, cable, or utility line should make a perpendicular crossing of a stream where feasible. Horizontal directional drilling shall be reviewed as an option where feasible.

4. For projects that cross federal navigation channels, all oil and gas pipelines, cables, and utility lines shall be buried the minimum depth below the authorized depth of the federal navigation channel consistent with the District's minimum setback requirements (see

<http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>). Section 408 permission will be required.

5. The top of any buried oil and gas pipeline, cable, or utility line shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the oil and gas pipeline, cable, or utility line is placed on bedrock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. If this minimum cover over the oil and gas pipeline, cable, or utility line is not practicable, the applicant shall provide a narrative documenting measures evaluated, site conditions, and any other limitations that prohibit achieving these minimum cover criteria in the PCN. The documentation must include photographs documenting site conditions.

6. The Corps will coordinate review of the PCN with the National Marine Fisheries Service – Habitat and Ecosystem Services Division when:

- a. An open-cut oil and gas pipeline, cable, or utility line affects a tidal tributary stream or a non-tidal stream; or
- b. The oil and gas pipeline, cable, or utility line do not make a direct or perpendicular stream channel crossing; or
- c. An open-cut oil and gas pipeline, cable, or utility line constructed in waters of the United States runs parallel to a stream channel and the oil and gas pipeline, cable, or utility line is within 100 feet of the mean high-water mark of a tidal stream; or 100 feet of the ordinary high-water mark of a nontidal coastal plain stream.

H. Nationwide Permit 13 Bank Stabilization:

To the maximum extent practicable, bank stabilization activities shall be accomplished using natural stabilization techniques and/or natural channel design. Native riparian plantings shall be included in project designs to the extent practicable.

I. Nationwide Permit 14 Linear Transportation Projects:

1. Prior to doing the work, the permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) when:

- a. A Section 10 permit is required;
- b. Low flow or multi-culvert crossings are proposed.

2. For activities in tidal waters and perennial and intermittent nontidal streams that result in a loss more than 1/10 acre of waters of the United States, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

J. Nationwide Permit 18 Minor Discharges:

Prior to doing the work, permittees shall submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

K. Nationwide Permit 19 Minor Dredging:

Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

L. Nationwide Permit 23 *Approved Categorical Exclusions:*

Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

M. Nationwide Permit 27 *Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities:*

1. Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional Condition 32).

2. Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement for shellfish, is restricted to shellfish species that are native to that waterbody.

3. For all activities in tidal waters, tidal wetlands, and perennial and intermittent streams, the District Engineer will coordinate review of the PCN and, an essential fish habitat assessment with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

4. The full suite of aquatic habitat functions and services must be considered when determining whether the net gains in aquatic resource functions and services required by this NWP will occur. When conducting these evaluations to determine NWP 27 eligibility, there should not be a focus on a specific aquatic resource function, or the ecological service(s) produced from that aquatic resource function. To assist the Corps in making these determinations, prospective permittees considering such activities should provide supporting information in their NWP 27 PCNs to demonstrate net increases in aquatic resource functions and services. Prospective permittees should consider using a Corps-accepted before-and-after functional or conditional assessment protocol to demonstrate project net gains in aquatic resources and services has been achieved.

N. Nationwide Permit 28 *Modifications of Existing Marinas:*

Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (See General Condition 32 and Regional General Condition 32).

O. Nationwide Permit 29 *Residential Developments:*

1. This Nationwide Permit (NWP) does not authorize the construction of in-stream impound

P. Nationwide Permit 33 Temporary Construction, Access, and Dewatering:

1. Prior to doing the work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

2. The Corps shall provide the required PCN to National Marine Fisheries Service-Habitat and Ecosystem Services Division, including any supporting documentation, when:

- a. The activity affects more than 0.5 acre of tidal waters, including jurisdictional tidal wetlands; or
- b. The activity affects more than 500 linear feet of perennial nontidal streams.

Q. Nationwide Permit 35 Maintenance Dredging of Existing Basins:

Prior to doing the work, permittees must submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

R. Nationwide Permit 36 Boat Ramps:

1. Construction material must be clean rock or stone free of fine materials such as silt, clay, or sand to preclude more than minimal detrimental impacts to the waterway from turbidity and sedimentation effects.

2. The length of boat ramps authorized by this nationwide permit shall not exceed 30 feet channelward of the mean high-water line, nor 25% of the width of the waterway, unless waived by the District Engineer.

3. Where the water depth at the proposed ramp is less than two feet at mean low water, permittees must submit a Pre-construction Notification to the District Engineer (see General Condition 32 and Regional General Condition 32).

S. Nationwide Permit 38 Cleanup of Hazardous and Toxic Waste:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams, a Pre-Construction Notification (PCN) is required, and the District Engineer will coordinate review of the PCN and, when applicable, an essential fish habitat (EFH) assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

T. Nationwide Permit 39 Commercial and Institutional Developments:

1. This Nationwide Permit (NWP) does not authorize the construction of in-stream impounds.

U. Nationwide Permit 40 Agricultural Activities:

1. Pond construction must be of the minimum size required for the farming use.
2. In-stream ponds should be avoided to the maximum extent practicable.

V. Nationwide Permit 51 Land-Based Renewable Energy Generation Facilities:

1. This Nationwide Permit does not authorize the construction of in-stream ponds.

W. Nationwide Permit 52 Water-Based Renewable Energy Generation Pilot Projects:

1. The PCN must indicate the estimated life span of the proposed pilot project and a description of maintenance and planned decommissioning activities that require a Department of the Army permit.
2. For all activities, the Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

X. Nationwide Permit 53 Removal of Low-Head Dams:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams, a Pre-Construction Notification (PCN) is required, and the Corps of Engineers will coordinate review of the PCN and, when applicable, an essential fish habitat assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

Y. Nationwide Permit 54 Living Shorelines:

1. Wetland components of living shoreline projects shall be maintained as a wetland, with areal coverage by native, hydrophytic, non-nuisance species of at least 85% for three (3) consecutive years. Monitoring reports documenting areal coverage shall be submitted to the Corps annually. If 85% coverage by such species is not attained, the reasons for the failure must be documented in writing and provided to the Corps with proposed corrective measures, including replanting. Final corrective measures must be completed, as approved by the Corps.
2. Living shoreline projects must result in no net loss of wetlands
3. For all activities, the District Engineer will coordinate review of the Pre-Construction Notification and an EFH assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Conservation Division.

4. Ecologically beneficial, existing tidal wetlands should be incorporated into the design of Living Shorelines. Where maintaining existing wetlands on-site would not provide the desired ecological uplift of the project, impacted tidal wetlands should be replaced on-site with the same or similar reference wetland species that occupy the same relative marsh elevations. The conversion of low marsh to high marsh is typically undesirable as these habitats perform different ecological functions and services; however, there are certain cases where conversion from low marsh to high marsh could be ecologically beneficial. Written documentation is required to justify the ecological benefits of converting low marsh to high marsh, if proposed.

5. Grain size analyses for both the dredged and/or fill material and placement site are required. The discharged material must be equal to or larger in grain size and character than the existing beach material or determined otherwise to be compatible with existing site conditions. The discharged material may not contain more than 10 percent silts and clays, or control measures such as breakwaters, groins or similar structures should be used to control movement.

Z. Nationwide Permit 57 *Electric Utility Line and Telecommunications Activities*:

See Regional Conditions in I.A above.

AA. Nationwide Permit 58 *Utility Line Activities for Water and Other Substances*:

See Regional Conditions in I.A above.

BB. Nationwide Permit A *Activities to Improve Passage of Fish and Other Aquatic Organisms*:

1. Prior to doing the work, the permittee shall submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

II. Regional Conditions Applicable to All 2021 Nationwide Permits within the District of Columbia Unless Otherwise Stated:

Note: To qualify for NWP authorization, the prospective permittee must comply with the following regional general conditions, as applicable, in addition to any nationwide permit specific regional conditions identified above in Section I, all terms and conditions found in the issuance and reissuance of the NWPs published in the *Federal Register* on December 27, 2021 (86 FR 73522), and any activity-specific verification conditions imposed by the Corps.

A. Nationwide Permit Regional General Condition #2 *Aquatic Life Movement*:

1. **Anadromous Fish Time-of-Year Restriction:** This condition applies to NWPs: 2, 3a, 3b, 5, 7, 11, 12, 13, 14, 15, 17, 18, 19, 22, 23, 25, 27, 28, 29, 31, 33, 35, 36, 37, 38, 39, 40, 42, 43, 45, 52, 53, 54, 55, 57, 58, 59, and A.

To ensure that activities do not impact spawning habitat or a migratory pathway for anadromous fish, work is prohibited during February 15 to June 15 each year to protect sensitive life stages of anadromous fish in all perennial and intermittent streams, unless specifically waived by the District Engineer in consultation with National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. Culverted road crossings of perennial and intermittent streams must meet the below depression criteria, or a Pre-Construction Notification (PCN) is required to be submitted to the District Engineer for review. Extensions of existing culverts that are not depressed below the stream bottom do not require a PCN.

a. Culverts measuring greater than 36 inches in diameter must be depressed 12 inches below the stream bottom; or

b. Culverts measuring 36 inches or less in diameter must be depressed 6 inches below the stream bottom.

3. If depression of the culvert is not practicable in accordance with this depression criteria, the applicant must submit a Pre-Constructive Notification (PCN), including a narrative documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. The Corps shall provide a copy of the PCN, including the supporting documentation, to the National Marine Fisheries Service-Habitat and Ecosystem Service Division for culverts which cannot be depressed as outlined in this Regional General Condition 2 for *Aquatic Life Movements*. The applicant may find it helpful to contact the National Marine Fisheries Service for recommendations about the measures to be taken to allow for fish passage.

B. Nationwide Permit Regional General Condition #18 *Endangered Species*:

1. **For the U.S. Fish and Wildlife Service (FWS) ESA species:** All permittees must use the FWS Chesapeake Bay Field Office Project Review website (IPaC) (<https://ecos.fws.gov/ipac/>) to determine if any federally listed species or designated critical habitat may be present in the proposed project area. A complete application must contain one of the following:

a. If the FWS website shows that listed species or designated critical habitat may be present in the proposed project area, then, using the FWS website tool, the permittee must obtain and submit with the PCN a FWS Official Species List tailored for the proposed project area. An Official Species List is considered valid for 90 days.

b. If the FWS website shows that no listed species or designated critical habitat are determined to be present in the proposed project area, then, using the FWS website tool, the permittee must generate and submit with the PCN a report that includes an online self-certification letter and a map of action area.

2. Interactions with National Marine Fisheries Service Federally Threatened or Endangered Species: Any interaction between sturgeon, sea turtles, or any species listed now or in the future under federal law as a threatened or endangered species (“listed species”) and the vessels associated with the project must be reported to the National Marine Fisheries Service as follows:

a. If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the National Marine Fisheries Service Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery;

b. If the animal requires assistance, the call to the hotline must be made immediately;

c. If the animal appears to be injured (i.e., bleeding, gasping for air, etc.) or dead, the permittee or its representative must also immediately call the hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify District Engineer of all communications and coordination with the National Marine Fisheries Service within two calendar days. Additional information about any federally threatened or endangered species may be obtained online at: <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/index.html>. An interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

3. Vessel Buffer: When listed species are sighted, vessels must attempt to maintain 50- yards (150 feet) or greater between the animal and the vessel whenever possible. State and federal regulations prohibit approaching a right whale within a 500-yard (1,500 foot) buffer zone. Any vessel finding itself within the 500-yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100-yards (300 feet) of the animal must be avoided. Dredge vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported as described above in condition #2, *Interactions with NMFS Federally Threatened or Endangered Species*.

4. Conditions for Pile Driving Activities Applicable Within Tidal Waters in the District of Columbia:

a. A Pre-Construction Notification (PCN) must be submitted to District Engineer if a minimum of one of the following conditions cannot be met:

i. Plastic or concrete piles must be less than 12-inches in diameter when a cushioned impact hammer or vibratory hammer is utilized for installation.

ii. Timber piles must be 12-inches or less in diameter when a vibratory hammer is utilized for installation.

iii. Vinyl or timber sheet piles must be 24-inches or less in width, as measured from the outer edge of corrugation to the inner edge of corrugation, when a cushioned impact hammer or vibratory hammer is used.

iv. Pile driving activities must be located within freshwater tributaries or within tidal or nontidal wetlands.

v. Piles of any size/type with any hammer method must be installed behind diversion structures or in the dry when the tide is out in the intertidal zone.

vi. Piles of any size/type with any hammer method must be installed between November 30 and March 15.

b. Pile driving must be initiated with a soft start each day of pile driving, building up power slowly from a low energy start-up over a 20-minute period to allow fish and other wildlife to leave the area.

5. Sediment Disturbing Activities Time-of-Year Restriction: Within all tidal waters with salinity levels <6 parts per thousand, sediment disturbing activities which include pile driving activities, are prohibited during the period April 1 through June 30 for the protection of shortnose sturgeon during early life stages unless a waiver is received from the District Engineer (see attached Figure 1).

6. Critical Habitat: Any work proposed in designated or proposed critical habitat requires a Pre-Construction Notification (PCN) to the Corps. Current designated Critical Habitat within the District of Columbia includes:

The Potomac River from the mouth of the Chesapeake Bay to the Little Falls Dam.

C. Nationwide Permit Regional General Condition #32 Pre-Construction Notification:

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 32, *Pre-Construction Notification*. These regional general conditions are applicable to all NWPs where a PCN is submitted to the District Engineer. This includes the following: (a) those NWPs that require a PCN, (b) those NWPs requiring notification to the District Engineer pursuant to the NWP General

Conditions 18 and 22, (c) those NWP's requiring notification to the District Engineer pursuant to a regional condition, and (d) any other pre-construction notifications to the District Engineer where an applicant has requested verification of an NWP authorization.

1. A PCN shall be submitted to the Baltimore District Corps of Engineers for proposed construction and modification of docks, piers, and other structures that will occur along and/or within 150 feet of the horizontal limits of a federally authorized channel within the Baltimore District Civil Works Boundary as identified by: <http://www.nab.usace.army.mil/Missions/Civil-Works/Nav-Maps>. In addition, a PCN is required for the replacement of previously authorized, currently serviceable structures located along federally authorized channels that are destroyed by an act of nature or sudden event. All proposed work shall comply with the most current version of the Baltimore District's setback guidance on the Baltimore District Regulatory website at: <http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>. As part of any PCN for an activity adjacent to a federally authorized channel, the permittee must provide the latitude and longitude of the channelward most point of the proposed structure.

2. **Waters Containing Submerged Aquatic Vegetation (SAV) Beds:** A PCN is required for all activities proposed within 50 feet of mapped SAV or locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season. When a PCN is required, the District Engineer will provide a copy of the complete PCN to the NMFS-Habitat and Ecosystem Services Division for all activities proposed within 50 feet of mapped SAV or locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season. The PCN shall include plans depicting the entire project footprint and adjacent waters overlaid on composite mapping of the five (5) most recent years of verified SAV data (derived from the Virginia Institute of Marine Science (VIMS) aerial surveys, DC Aquatic Resources Registry, or locations of SAV otherwise identified from actual SAV surveys conducted during the growing season). Additional avoidance and minimization measures, such as relocating a structure or time-of-year restrictions may be required to reduce impacts to SAV habitat. The Virginia Institute of Marine Science aerial surveys may be obtained at: <http://web.vims.edu/bio/sav/index.html>, the DC Aquatic Resources Registry aerial surveys may be obtained at: <https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=a256228ee7aa4152aa277290e91e89d7>.

3. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality (<https://www.nab.usace.army.mil/Missions/Regulatory/Permits-DC/>). Preferably all PCN information can be submitted electronically or alternatively a hard copy may be sent to the Corps. All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the NWP conditions, including General Condition 32:

a. For projects along and/or within 150 feet of the horizontal limits of a federally authorized channel, the location and depth of any federal navigation channel shall be shown in relation to the proposed project.

b. Copy of response from the FWS concerning any federally listed Threatened and Endangered Species that may be affected by the proposed activity. Completion of the required screening identified in Regional General Condition 18 and submission of the documents required by the PCN serves as compliance with this condition.

c. Copy of response from the State Historic Preservation Officer concerning historic properties that may be affected by the proposed activity.

d. Documentation from the appropriate state agency indicating whether the proposed project is located within a State Natural Heritage site (District of Columbia Department of Energy and Environment), Outstanding National Resource Water (District of Columbia Department of Energy and Environment), or National Estuarine Research Reserve (<https://coast.noaa.gov/nerrs/>). For further information, reference NWP General Condition 22.

D. Nationwide Permit Regional General Conditions A for Certain Activities in Navigable Waters:

1. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

Nominal System Voltage (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. The PCN for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation;

b. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required; and

c. Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

d. All proposed work shall comply with the most current version of the Baltimore District's setback guidance on the Baltimore District Regulatory website at: <http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>.

2. Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the District Engineer and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

3. Aids to Navigation: If the Corps or the United States Coast Guard determine that private aids to navigation are required to mark the project area, the permittee must prepare and provide for USCG approval (address below) using a Private Aids to Navigation Application (CG-2554), and the approval must be received prior to commencement of the authorized work. The form can be found at:

https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. Within 30 days of the date of receipt of the USCG approval, the permittee must provide a copy to the Corps.

E. Nationwide Permit Regional General Condition B Poured Concrete into Forms:

Any activity that involves the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set.

F. Nationwide Permit Regional General Condition C Temporary Impacts to Streams:

Following completion of construction, temporarily affected stream beds shall have bottom contours restored using clean native materials, where practicable.

G. Section 401 Water Quality Certification Condition:

Before proceeding under the NWP, an applicant is required to obtain an individual Section 401 Water Quality Certification or waiver thereof from the Department of Energy and Environment for activities authorized under the following NWPs: 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 57, 59 and NWP A.

SPECIAL NOTES:

As required, the District Engineer shall coordinate a PCN with the following federal and state agencies:

Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

District of Columbia
Office of Planning Historic Preservation Office
1100 4th Street, SW Suite E 650
Washington, DC 20024

Department of Energy and Environment
Water Quality Division
1200 First Street NE, 5th floor
Washington, DC 20002

Department of Energy and Environment
Regulatory Review Division
1200 First Street NE, 5th floor
Washington, DC 20002

U.S. Fish & Wildlife Service
District of Columbia
1849 C Street NW, Room 3331
Washington, DC 20240-0001

NOAA/National Marine Fisheries Service
Habitat Conservation and Ecosystem Services Division
200 Harry S. Truman Pkwy, Ste 460
Annapolis, Maryland 21401

NOAA Fisheries Greater Atlantic Regional Fisheries Office
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930
nmfs.gar.esa.section7@noaa.gov

Figure 1 - Low Salinity (<6 ppt) Waters of the Chesapeake Bay in Maryland

