2026 NWPs CZM and WQC Status Table: Delaware, Maryland (C&D Canal), New Jersey, Pennsylvania

NWP #	DE CZM	DE WQC	MD CZM	MD WQC	NJ CZM	NJ WQC	PA CZM†	PA WQC†
NWP 1	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 2	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 3	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 4	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 5	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 6	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 7	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 8	DENIED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 9	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 10	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 11	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 12	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 13	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 14	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 15	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 16	ISSUED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 17	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 18	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 19	ISSUED	N/A	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 20	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 21	DENIED	WAIVED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 22	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 23	CONDITIONAL #	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 24	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 25	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 27	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 28	ISSUED	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 29	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 30	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 31	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED

NWP 32	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 33	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 34	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 35	CONDITIONAL #	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 36	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 37	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 38	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 39	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 40	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 41	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 42	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 43	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 44	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 45	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 46	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 48	CONDITIONAL #	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 49	ISSUED	WAIVED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 50	DENIED	WAIVED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 51	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 52	DENIED	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 53	ISSUED	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 54	CONDITIONAL #	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 55	CONDITIONAL #	N/A	CONDITIONAL *	N/A	DENIED	N/A	ISSUED	N/A
NWP 57	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 58	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 59	CONDITIONAL #	CONDITIONAL #	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED
NWP 60	CONDITIONAL #	ISSUED	CONDITIONAL *	CONDITIONAL *	DENIED	DENIED	ISSUED	ISSUED

NOTE 1: # The State of Delaware has issued the CZM consistency concurrence and issued the WQC for this NWP provided the activity complies with the conditions below.

NOTE 2: * The State of Maryland has issued the CZM consistency concurrence and issued the WQC for this NWP provided the activity complies with the conditions below.

NOTE 3: † Certain NWPs are suspended for most of Pennsylvania. See NWP Suspensions for Pennsylvania.

DELAWARE CZM

1. **NWP 23**-Individual federal consistency review is required for any proposed projects designated as a categorical exclusion that has not been previously approved as noted in the USACE regulatory guidance letter 05-07.

2. **NWP 35-**Individual consistency is required for those dredging projects that exceed 50,000 cubic yards of dredged material.

3. **NWP 40, 42, 43, and 46**-Individual federal consistency review is required for any projects that may result in discharges to Delaware Exceptional Recreational or Ecological Significance (ERES) waters.

4. **NWP 48**-Individual federal consistency review is required for projects proposed within critical resource waters and/or Delaware ERES Waters.

5. **NWP 54**-Individual federal consistency is required for those project that require a District Engineer waiver and/or projects that propose pocket beaches.

6. **NWP 55**-The Delaware Coastal Management Program concurs with the CZM consistency determination provided the following:
   a. Any introduced shellfish as part of an integrated multi-trophic mariculture system must be certified under Delaware standards as being disease and parasite free.
   b. Use of unsuitable materials for shellfish seeding (i.e. asphalt, bituminous concrete slag, tires, wallboard, plastic, wood, metal, crushed glass, and garbage) is prohibited.
   c. Any proposed mariculture activity within any portion of the Shellfish Aquaculture Development Areas (SADA) locations in the Delaware Inland Bays would not be subject to the terms of Regional General Conditions G-1 or G-2.
   d. Any PCN to the Corps of Engineers for any mariculture activities within the SADA locations in the Delaware Inland Bays must provide the following information: (1) name and address of the applicant, (2) a copy of any lease agreement between the applicant and the State of Delaware for the proposed mariculture activity, (3) a description of the proposed equipment to be used at each location, (4) the location of the proposed activity including latitude and longitude coordinates along with any other lease area identification numbers further identifying the leased area(s).
   e. Individual federal consistency review is required for projects proposed within critical resource waters and/or Delaware ERES Waters.
7. **NWP 57 and 58**-Individual federal consistency review is required for any projects proposed within Delaware ERES Waters.

8. **NWP 59**-The Delaware Coastal Management Program concurs with the CZM consistency determination provided the following:

   a. The activity does not include the placement of temporary structures in areas with submerged aquatic vegetation (SAV).
   b. The activity does not include stream elimination, relocation, or impoundment.

   c. The activity does not include construction of sewage disposal systems in waters of the United States.

   d. Activities in wetlands include the use of best management practices, such as construction pads, timber matting and/or geotextile fabric to prevent wetland compaction.
   e. Individual federal consistency review is required for projects proposed within critical resource waters and/or Delaware ERES Waters.

9. **NWP 60-**The Delaware Coastal Management Program concurs with the CZM consistency determination provided the following:
   a. Activities related to nature-like fishways, in-water structures, and weirs shall follow the standards for fish passage found in the Federal Interagency design guidelines for Atlantic Coast diadromous fishes (related to swimming capabilities and safe, timely, efficient passage) to minimize impacts to target species.
   b. Coordination with DNREC Division of Fish and Wildlife, Fisheries Section regarding the design and installation of activities to improve passage of fish and other aquatic organisms is required when utilizing this NWP.

DELAWARE WQC

1. The DDNREC has issued WQC for **NWP 12**, provided the following:

    a. An individual water quality certification is required for any projects that may result in discharges to Delaware ERES waters.
    b. The applicant contacts DDNREC Emergency Response if there is a release of muds and/or drilling fluids into surface waters.

2. The DDNREC has issued WQC for **NWP 16**, provided the following:

    a. The applicant shall provide a pre-construction notification to DNREC Wetlands and Waterways Section including information demonstrating that the proposed discharge of dredge or fill material will not result in a statistically significant reduction, accounting for natural variations, in biological, chemical, or habitat quality as measured or predicted using appropriate assessment protocols.

3. The DDNREC has issued WQC for **NWPs 29 and 39**, provided the following:

    a. The applicant shall provide a pre-construction notification to DNREC Wetlands and Waterways Section including information demonstrating that the proposed discharge of dredge or fill material will not result in a statistically significant reduction, accounting for natural variations, in biological, chemical, or habitat quality as measured or predicted using appropriate assessment protocols.
    b. This nationwide permit is not certified for discharges of dredged or fill materials from locations with known contaminants such as brownfield sites unless those contaminants are specifically addressed in a Contaminated Materials Management Plan (CMMP) for that site. Proof of an approved CMMP must be submitted to DDNREC, Wetlands and Waterways Section.

4. The DDNREC has issued WQC for **NWPs 40, 42, 43, 44**, **and 46** provided the following:

    a. An individual water quality certification is required for any projects that may result in discharges to Delaware ERES Waters.

8 The DDNREC has issued WQC for **NWPs 51 and 52** provided the following:

    a. The applicant shall provide a pre-construction notification to DDNREC Wetlands and Waterways Section including information demonstrating that the proposed discharge of dredge or fill material will not result in a statistically significant reduction, accounting for natural variations, in biological, chemical, or habitat quality as measured or predicted using appropriate assessment protocols.
    b. An individual water quality certification is required for any projects that may result in discharges to Delaware ERES Waters.

9. The DDNREC has issued WQC for **NWPs 57 and 58**, provided the following:

    a. An individual water quality certification is required for any projects that may result in discharges to Delaware ERES Waters.
    b. The applicant contacts DDNREC Emergency Response if there is a release of muds and/or drilling fluids into surface waters.

10. The DDNREC has issued WQC for **NWP 59** provided the following:

    a. An individual water quality certification is required for any project proposed in Critical Resource Waters and/or Delaware ERES Waters that may result in a discharge.

MARYLAND CZM

1. **Discharges for any Nationwide Permit, excluding Nationwide Permit 27 and Nationwide Permit 54,** resulting in losses or permanent impacts exceeding the thresholds below require an individual consistency determination:
   a) 1,000 linear feet or ½ acre, whichever is less, of stream bed or stream bank of perennial or intermittent streams and tidal ditches that are considered permanent impacts and do not qualify as temporary impacts (as defined in COMAR 26.17.04.08 and COMAR 26.17.04.11B(5)); or
   b) ½ acre total of tidal (as defined in COMAR 26.24.01.02B(18)) and nontidal wetlands (as defined in COMAR 26.23.01.01B(56)).

2. **NWP 7-**Activities shall not violate water quality standards or result in erosive flows downstream.

3. **NWP 27-**Discharges exceeding any thresholds below require an individual consistency determination:

   a) Any loss of nontidal wetlands having significant plant or wildlife value (as defined in COMAR 25.23.01B(80)) as identified by the Certification Holder via the Maryland Watershed Resources Registry at the link: https://watershedresourcesregistry.org/states/maryland.html; or
   b) 1/2 acre of conversion of forested wetland (excluding loblolly pine plantations and areas having significant plant or wildlife value (as defined in COMAR 26.23.01B(80)) which do not require a predominantly forested community) to another wetland type; and
   c) Any loss of tidal wetlands that support threatened or endangered species, or species in need of conservation (as listed in COMAR 08.03.08); are contiguous to nontidal wetlands having significant plant or wildlife value (as defined in COMAR 26.23.01.01B(80)) as identified by the Certification Holder vie the Maryland Watershed Resources Registry at the link: https://watershedresourcesregistry.org/states/maryland.html; or support communities with bald cypress (*Taxodium distichum*) or Atlantic white cedar (*Chamaecyparis thyoides*) and that contain at least 20 percent of these species in any strata determined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplements.

4. **NWP 43**-Discharges from the constructed facility shall not violate water quality standards or result in erosive flows downstream.

5. **NWP 53-**The permittee shall:
   a) Conduct all sediment testing required by the MDE;
   b) Implement subsequent requirements of MDE, based on the sampling results, including monitoring or other measures deemed necessary by MDE to meet water quality standards to protect water quality based on the sampling results; and
   c) Submit documentation to the Corps that the permittee has satisfied the requirements of MDE.

6. **The Permittee shall not conduct blasting for utility line installation unless authorized by MDE.**

7. **The drilling fluid used in trenchless technology operations shall consist of water and bentonite clay. No additives are permitted without prior approval from MDE. The permittee may submit to MDE for pre-approval a list of thickening additives to be stored on site in order to prevent delays in the drilling operation. Any additives must be certified in conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals-Health Effects) and used in the manner indicated in the certification of the additive.**

8. **The permittee shall notify MDE within 24 hours of any inadvertent returns from trenchless technology use and shall cease operations and implement an inadvertent return contingency plan approved by MDE.**

9. **The permittee shall implement any plans and other requirements of the MDE in the event of inadvertent return of drilling fluids or discharges of material transported by the utility line into waters of the United States.**

10. **Authorized activities that result in the loss of tidal or nontidal wetlands or waterways, shall implement compensatory mitigation in accordance with state issued authorizations and COMAR 26.23.04 or COMAR 26.24.05.**

11. **Authorized activities with temporary impacts to nontidal and tidal wetlands shall ensure that such nontidal and tidal wetlands are restored to pre-existing contours and elevations and previous conditions with at least the same nontidal and tidal wetland acreage and equivalent function as indicated by a return to the same wetland type and**

in accordance with state issued authorizations.

12. **Authorized activities including development or redevelopment of land for residential, commercial, industrial, or institutional use shall include stormwater management compliant with the Environmental Site Design sizing criteria recharge, volume, water quality volume, and channel protection storage volume criteria.**

13. **Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control," as may be amended.**

14. **The disturbance of the bottom of the water and sediment transport into adjacent State waters shall be minimized.**

15. **The Permittee shall adhere to the time of year restrictions, unless waived or amended by MDE, as identified in a state authorization.**

16. **The regulated activity shall be conducted so as not to restrict or impede the:**
    a) Movement of wildlife indigenous to the nontidal wetlands or adjacent waters, or
    b) Passage of normal or expected high water flows.

17. **The Permittee shall design and implement stream crossings to meet, at a minimum, the following performance criteria:**
    a) If practicable, a structure (for example, bridge or arched culvert) shall span the bank full wetted width and have additional headroom to provide semi-aquatic and terrestrial wildlife passage for species capable of movement through the pre-disturbance channel;
    b) If a bridge spanning in accordance with item a. is not feasible due to site constraints, then culvert bottoms, including footers, shall be embedded below the streambed a minimum of 2 feet and below the vertical adjustment potential of the streambed. Pipe culverts should be embedded at least 25%, or 2 feet, whichever is less;
    c) Water velocity and depth within the crossing structure shall match those observed at reference conditions within the stream under a variety of flows. Low-flow conditions may not result in reduced fish passage within the culvert, compared to upstream and downstream conditions;
    d) Substrate shall be placed within the structure, including both fine and coarse substrate, and should match the natural substrate found upstream and downstream of the crossing during normal flow conditions. Bank and other key bed structural elements and characteristics should be resilient to high-flow events and may require additional channel manipulation upstream and downstream of the structure (e.g., stream restoration, stabilization, etc.). Scour protection may not result in reduced fish passage and shall be avoided where possible;
    e) Culverts shall be aligned with the natural stream channel and skew should be minimized, not exceeding 30 degrees. The structure gradient shall be no steeper than the streambed gradient at either end of the crossing and should match the overall streambed gradient based on reference reach conditions. The culvert shall be designed and installed to retain transport rock and sediment to mimic natural bed conditions. When possible, crossing structures should be located at a pool feature; and
    f) Structures shall be designed and placed to avoid entanglement of other fish, aquatic life, and wildlife.

18. **The permittee shall adhere to the following conditions:**

    a) Prevent sidecasting of excavated material into a water of the United States. Excavated or other fill material shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, tidal wetlands, or nontidal waterways;
    b) Excavated material as backfill shall not be placed in the waters of the United States if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance;
    c) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species, unless otherwise approved or required by MDE: Perennial Ryegrass (*Lolium perenne*), Millet (*Setaria italica*), Barley (*Hordeum sp.*), Oats (*Avena sp.*), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the MDE, Nontidal Wetland

Division. Kentucky 31 fescue shall not be utilized in wetland or buffer areas. The area should be seeded and mulched to reduce erosion after construction activities have been completed in accordance with Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01, the permittee shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specification for soil Erosion and Sediment Control," as may be amended.

19. For authorized activities in the Chesapeake Bay Critical Area, all Critical Area requirements shall be followed and all necessary authorization from the Critical Area Commission ("Commission") shall be obtained. This concurrence does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the buffer mean clearing, grading, construction activities, or removal of any size of tree vegetation.

20. The permittee shall obtain and comply with all required state authorizations or approvals, including self-certifying General Permits issued by MDE, and shall comply with all conditions of such authorizations.

21. This Determination does not obviate the need to obtain and comply with required authorizations or approvals from other State, federal or local agencies as required by law.

22. The proposed project shall be constructed in accordance with the approved final plan approved by the MDE, or, if MDE approval is not required, the plan approved by the Corps; and its approved revisions.

23. All fill and construction materials not used in the project shall be removed and disposed of in a manner that will prevent their entry into waters of the United States.

24. This Determination does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.

25. The permittee holder shall allow authorized representatives of the MDE access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Determination.

26. This Determination is valid for the NWPs identified herein until such time that the NWPs expire and are not modified or administratively extended.

Maryland WQC

1. NWP 7-Activities shall not violate water quality standards or result in erosive flows downstream.

2. Discharges for any Nationwide Permit, excluding **NWP 27 and NWP 54**, resulting in losses or permanent impacts exceeding the thresholds below, require an individual Water Quality Certification:

a) 1,000 linear feet or ½ acre, whichever is less, of stream bed or stream bank of perennial or intermittent streams and tidal ditches that are considered permanent impacts and do not qualify as temporary impacts (as defined in COMAR 26.17.04.08 and COMAR 26.17.04.11B(5)); or
b) ½ acre total of tidal (as defined in COMAR 26.24.01.02B(18)) and nontidal wetlands (as defined in COMAR 26.23.01.01B(56)).

3. Discharges being authorized by **NWP 27** exceeding any of the thresholds below require an individual Water Quality Certification:

a) Any loss of nontidal wetlands having significant plant or wildlife value as defined in COMAR 26.23.01B(80)) as identified by the Certification Holder via the Maryland Watershed Resources Registry at the link: https://watershedresourcesregistry.org/states/maryland.htmls; or
b) ½ acre of conversion of forested wetland excluding loblolly pine plantations and areas having significant plant or wildlife value as defined ln COMAR 26.23.01B(80)) which do not require a predominantly forested community) to another wetland type; and
c) Any loss of tidal wetlands that support threatened or endangered species or species in need of conservation (as listed in COMAR 08.03.08); are contiguous to nontidal wetlands having significant plant or wildlife value as defined in COMAR 26.23.01.01B(80)) as identified by the Certification Holder via the Maryland Watershed Resources Registry at the link: https://watershedresourcesreglstry.org/states/maryland.htmls; or support communities with bald cypress (*Taxodium distichum*) or Atlantic white cedar (*Chamaecyparis thyoides*) and that

contain at least 20 percent of these species ln any strata as determined by the (1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplements.

4. For discharges being authorized by NWP 27 resulting in the release of sediments from impounded waters, the Certification Holder shall:

a) Conduct all sediment testing required by the MDE; and
b) Implement subsequent requirements of the MDE, based on the sampling results, including monitoring or other measures deemed necessary by the MDE to meet water quality standards to protect water quality based on the sampling results; and
c) Submit documentation to the Corps that the Certification Holder has satisfied the requirements of the MDE.

5. The Certification Holder conducting activities under **NWP 43** shall ensure that discharged from the constructed facility do not:

a) Violate water quality standards; and
b) Result in erosive flows downstream.

6. The Certification Holder conducting activities under **NWP 53** shall:

a) Conduct all sediment testing required by the MDE; and
b) Implement subsequent requirements of MDE, based on the sampling results, including monitoring or other measures deemed necessary by the MDE to meet water quality standards to protect water quality based on the sampling results; and
c) Submit documentation to the Corps that the Certification Holder has satisfied the requirements of the MDE.

7. The drilling fluid used in trenchless technology operations shall consist of water and bentonite clay. No additives are permitted without prior approval from the MDE. The Certification Holder may submit to the MDE for pre-approval a list of thickening additives to be stored on site in order to prevent delays in the drilling operation. Any additive must be certified in conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals - Health Effects) and used in the manner indicated in the certification of the additive.

8. The Certification Holder shall notify the MDE within 24 hours of any inadvertent returns from trenchless technology use and shall:

a) Cease operations; and
b) Implement an inadvertent return contingency plan approved by the MDE.

9. The Certification Holder shall implement any plans and other requirements of the MDE in the event of inadvertent return of drilling fluids or discharges of material transported by the utility line into waters of the United States.

10. The Certification Holder may not conduct blasting for utility line installation unless otherwise authorized by the MDE.

11. The Certification Holder shall meet all water quality-related performance standards and conditions required by the MDE in any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetlands, nontidal wetland buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or other water quality requirements of state law or regulation.

12. The Certification Holder conducting activities with temporary impacts to nontidal and tidal wetlands shall ensure that such nontidal and tidal wetlands are restored to pre-existing contours and elevations and previous conditions with at least the same nontidal and tidal wetland acreage and equivalent function as indicated by a return to the same wetland type and in accordance with state issued authorizations.

13. The Certification Holder conducting activities that result in the loss of tidal or nontidal wetlands or waterways, shall implement compensatory mitigation in accordance with state issued authorizations and COMAR 26.23.04 or COMAR 26.24.05.

14. The Certification holder shall comply with monitoring required by any MDE authorization to ensure that water quality standards and water quality requirement for water of this State are met, in addition to monitoring required in the NWPs. MDE may require additional monitoring if there is potential that in-progress or completed activities under this Certification may result in a failure to meet water quality standards. Monitoring required by MDE shall be implemented as required or according to a plan approved by MDE within time frames specified by MDE.

15. Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01.07 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control," as may be amended.

16. The disturbance of the bottom of the water and sediment transport into adjacent waters shall be minimized.

17. The Certification Holder shall adhere to the time of year restrictions, unless waived or amended by the MDE, as identified in a state authorization.

18. The regulated activity shall be conducted so as not to restrict or impede the:

a) Movement of wildlife indigenous to the nontidal wetlands or adjacent water; or

b) Passage of normal or expected high water flows.

19. The Certification Holder shall design and implement stream crossings to meet, at a minimum, the following performance criteria:

a) If **practicable, a structure (for example, bridge or arched culvert) shall span the bank full wetted width and have additional headroom to provide semi-aquatic and terrestrial wildlife passage for species capable of movement through the pre-disturbance channel;**

b) If a bridge spanning in accordance with item a. is not feasible due to site constraints, then culvert bottoms, including footers, shall be embedded below the streambed a minimum of 2 feet and below the vertical adjustment potential of the streambed. Pipe culverts should be embedded at least 25%, or 2 feet, whichever is less;

c) Water velocity and depth within the crossing structure shall match those observed at reference conditions within the stream under a variety of flows. Low-flow conditions may not result in reduced fish passage within the culvert, compared to upstream and downstream conditions;

d) Substrate shall be placed within the structure, including both fine and coarse substrate, and should match the natural substrate found upstream and downstream of the crossing during normal flow conditions. Bank and other key bed structural elements and characteristics should be resilient to high-flow events and may require additional channel manipulation upstream and downstream of the structure (e.g., stream restoration, stabilization, etc.). Scour protection may not result in reduced fish passage and shall be avoided where possible;

e) Culverts shall be aligned with the natural stream channel and skew should be minimized, not exceeding 30 degrees. The structure gradient shall be no steeper than the streambed gradient at either end of the crossing and should match the overall streambed gradient based on reference reach conditions. The culvert shall be designed and installed to retain transport rock and sediment to mimic natural bed conditions. When possible, crossing structures should be located at a pool feature; and

f) Structures shall be designed and placed to avoid entanglement of other fish, aquatic life, and wildlife.

20. The Certification Holder shall adhere to the following conditions:

a) Prevent sidecasting of excavated material into a water of the United States. Excavated or other fill material shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, tidal wetlands, or nontidal waterways;

b) Excavated material as backfill shall not be placed in the waters of the United States if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance;

c) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species, unless otherwise approved or required by MDE: Perennial Ryegrass (*Lolium perenne*), Millet (*Setaria italica*), Barley (*Hordeum sp.*), Oats (*Avena sp.*), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the MDE, Nontidal Wetland

Division. Kentucky 31 fescue shall not be utilized in wetland or buffer areas. The area should be seeded and mulched to reduce erosion after construction activities have been completed in accordance with Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01, the permittee shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specification for soil Erosion and Sediment Control," as may be amended.

21. The Certification Holder shall follow remedial measures required by MDE to ensure that the project is in compliance with water quality standards when:

a) Conditions or performance standards required under this Certification or any MDE authorization are not met: or
b) MDE determines that water quality standards may not be met at the project site.

22. The Certification Holder shall obtain and comply with all required authorizations or approvals, including self-certifying General Permits issued by the MDE, and shall comply with all conditions of such authorizations.

23. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

24. The proposed project shall be constructed in accordance with the approved final plan by the MDE, or, if MDE approval is not required, the plan approved by the Corps, and its approved revisions.

25. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of the United States.

26. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.

27. The Certification Holder shall allow authorized representatives of the MDE access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.

28. This Certification is valid for the NWPs identified herein until such time that the NWPs expire and are not modified or administratively extended.