



**US Army Corps
of Engineers®**
Philadelphia District

**NEW JERSEY
2026 NATIONWIDE PERMIT REGIONAL CONDITIONS**



**US Army Corps
of Engineers®**
New York District

Effective March 2, 1994, the State of New Jersey assumed the Federal Clean Water Act's Section 404 permit program from the United States (U.S.) Army Corps of Engineers. As such, these Nationwide Permits (NWP), including all Regional Conditions developed for waters of the United States within the State of New Jersey, are only effective in those waters which have not been assumed by the State of New Jersey. All NWP verifications shall be made in accordance with the below listed Regional Conditions and all subparts, unless otherwise authorized by the Corps through the pre-construction notification (PCN) process.

REGIONAL GENERAL CONDITION – 1 (G-1)

This Regional Condition is applicable to all NWPs where a pre-construction notification is required to be submitted to the U.S. Army Corps of Engineers, District Engineer (Corps) and where specific information is required by the appropriate Corps District to process the PCN. NWP activities require notification under certain circumstances. Review the terms of the individual NWP authorization, General Conditions 22, Designated Critical Resource Waters, and 32, Pre-Construction Notification, and/or the Regional Conditions to identify these circumstances.

Condition G-1: The permittee shall notify the Corps in accordance with General Condition 32, *Pre-Construction Notification*, by using a signed application form (ENG Form 6082). The PCN shall also include the following information:

1. A description of all activities that the applicant plans to undertake that are reasonably related to the same project.
2. A written statement that clearly describes the following: (1) what measures have been taken to avoid impacts on aquatic resources; (2) what measures have been taken to avoid and/or minimize any discharges into wetlands or waters of the United States; and (3) what measures have been developed to compensate for any impacts to wetlands or waters of the United States.
3. All PCNs to the Corps shall include the following information, where applicable: (1) all information specified in the NWP itself or General Conditions; (2) plans showing all work in areas of potential Federal jurisdiction on 8 ½ by 11 inch paper and full-sized scaled engineering drawings, if available; (3) formal property identification such as lot and block or tax parcel number; (4) a delineation of areas within Federal jurisdiction, including wetlands, for the entire project area; (5) existing water depths; (6) depth of any cables or pipelines below Mean Low Water and the height of any cables, pipelines, or other structures above Mean High Water; (7) the maximum distance that any structure(s) would extend channelward of the Mean High Water Line or Ordinary High Water in non-tidal areas; (8) the maximum distance that any fill would extend channelward of the High Tide Line or Ordinary High Water in non-tidal areas; (9) the width of the waterway at the project site; (10) the location of any mapped floodplain areas; (11) the location of any dredged material disposal area; (12) the distance from the edge of any navigation channel; (13) the location of any temporary work, structures, vessels, or fills required for the construction; (14) a copy of any previous Federal or State approvals; and (15) the location and nature of any Submerged Aquatic Vegetation (SAV) or shellfish beds.
4. Where the State has denied 401 water quality certification (WQC) and/or not concurred with the Corps' Coastal Zone Management Act (CZMA) consistency determination for a NWP authorization, the prospective permittee shall contact the State to obtain an activity-specific review and approval by the State **prior** to submitting any required pre-construction notification to the Corps.

REGIONAL GENERAL CONDITION – 2 (G-2)

This Regional Condition is applicable to *all* NWP activities located in waters of the United States that are a component of the National Wild and Scenic River System or have been officially designated as a “study river” for possible inclusion in the system (See NWP General Condition 16, *Wild and Scenic Rivers*).

Condition G-2: Coordination between the applicant 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. Additional coordination between the Corps, applicant, and National Park Service may be necessary on a case-by-case basis to address identified Wild and Scenic River issues. The following list includes the waterway locations that are currently subject to this Regional Condition:

1. Delaware Water Gap National Recreation Area, within the boundaries of the National Recreation Area, 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).
2. Lower Delaware River, from the town of Washington Crossing in Bucks County, Pennsylvania upstream to Upper Mount Bethel Township in Northampton County, Pennsylvania. 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.
3. Great Egg Harbor River, from the mouth of Patcong Creek upstream approximately 40 miles and several tributaries in Atlantic, Cape May, Gloucester, and Camden Counties. This includes Patcong Creek extending upstream from its confluence with Great Egg Harbor River to the Garden State Parkway Bridge, approximately 2.8 miles.
4. Maurice River, from Shell Pile approximately 17 miles upstream to the Millville Wastewater Treatment Plant and portions of Menantico Creek, Manumuskin River, and Muskee Creek in Cumberland and Atlantic Counties.

National Park Service correspondence shall be sent to the following general email inbox: NER_PWSR@nps.gov.

REGIONAL GENERAL CONDITION – 3 (G-3) ENDANGERED SPECIES (USFWS)

This Regional Condition is intended to satisfy the requirements of Section 7 of the Endangered Species Act (ESA) for those species under the jurisdiction of the United States Fish and Wildlife Service (USFWS). This Regional Condition is applicable to all NWP activities in New Jersey (See NWP General Condition 18, *Endangered Species*).

Condition G-3: Prior to commencing any work, the applicant shall generate a list of federally listed species by accessing the USFWS's Information for Planning and Consultation (IPaC) tool located at: <https://ipac.ecosphere.fws.gov/>. If the tool indicates that there are listed, proposed, or candidate species that might be affected or are in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, the applicant is required to submit a PCN to the Corps. This PCN shall include the generated species list and any available supporting information as outlined in the guidance in the New Jersey Field Office Project Review Guide at: <https://fws.gov/office/new-jersey-ecological-services/new-jersey-field-office-project-review-guide>. The applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or until ESA section 7 consultation or conference has been completed. As necessary, the applicant may contact the New Jersey Field Office for technical assistance prior to applying for an NWP verification.

REGIONAL GENERAL CONDITION – 4 (G-4) ENDANGERED SPECIES (NMFS)

This Regional Condition is intended to satisfy the requirements of Section 7 of the ESA for those species under the jurisdiction of the National Marine Fisheries Service (NMFS). This Regional Condition is applicable to ALL Nationwide Permit activities in New Jersey (See NWP General Condition 18, *Endangered Species*).

Condition G-4: Prior to commencing any work, the applicant 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 the species list indicates there are listed, proposed, or candidate species that might be affected or are in the vicinity of the project, the applicant is required to submit a PCN to the Corps to determine if the action will result in an effect to the listed species. In such cases, the prospective permittee will not begin work under authority of the NWP until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

Additional technical consultation guidance regarding Section 7 consultations and listed species can be found on the NOAA Fisheries website at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic>.

REGIONAL GENERAL CONDITION – 5 (G-5) ESSENTIAL FISH HABITAT

This Regional Condition is intended to satisfy the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). This Regional Condition is applicable to *all* Nationwide Permit activities in New Jersey. Under the MSA, Federal agencies such as the Corps are required to consult with NMFS on projects that may adversely affect Essential Fish Habitat (EFH).

Condition G-5(a): Provided the applicant complies with the terms and conditions of the NWP and any Regional or Special Conditions imposed by the Corps, the Philadelphia District, through consultation with NMFS, has determined the adverse effect on EFH is not substantial for all activities verified under the 2026 NWPs except for the following activities:

1. All NWP activities covered under NWPs 27, 38, 52, 53, 54, 55, and 60; all proposed one-way tide gates; all structures placed offshore for the sole purpose of bank stabilization as specified below in Condition (c) under Regional Condition for NWP (13) Bank Stabilization; all requests for waivers as specified under the terms and conditions of the Regional Conditions, activities that result in the loss of greater than 1/2-acre of waters of the United States; or when the Corps determines to grant a waiver of an applicable limit as provided for in NWPs 13, 36, or 54.
2. A PCN and an EFH Assessment shall be submitted to the Corps of Engineers for any NWP activity that is proposed within submerged aquatic vegetation (SAV) beds, mapped SAV habitat, and/or within the sandbar (*Carcharhinus plumbeus*) and sand tiger (*Carcharias taurus*) sharks Habitat Areas of Particular Concern (HAPC) as depicted by the Essential Fish Habitat Mapper (<https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>).
3. A PCN and an EFH Assessment shall be submitted to the Corps of Engineers for NWPs 6, 12, and 57 when located in the Atlantic Ocean.
4. An EFH Assessment shall be submitted to the Corps of Engineers for NWPs 12, 15, 36, 57, and 58 if SAV is observed or mapped within 100 feet of the project footprint. However, no EFH Assessment is required if the applicant agrees to conduct work outside of the SAV time of year restriction from April 15 through October 15.

Condition G-5(b): 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 Corps through the PCN process:

1. To protect diadromous fish migrations and spawning, in-water work shall be avoided from the mouth of the Delaware Bay to the U.S. Route 1 Bridge, and **all** tributaries within this reach, 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. This condition does not apply to ongoing Commercial Shellfish Mariculture Activities (NWP 48) activities where a PCN was submitted and verified by the Corps.
2. 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 that precludes fish passage.
3. In all other tributaries in New Jersey within the geographic area of the Philadelphia and New York Districts, in-water work shall be avoided from **March 1 to June 30** to protect diadromous fish migration, spawning activities, and EFH. This condition does not apply to ongoing Commercial Shellfish Mariculture Activities (NWP 48) activities where a PCN was submitted and verified by the Corps.
4. In areas identified as EFH for winter flounder eggs and larvae, in-water work shall be avoided from **January 01 to May 31**. This condition does not apply south of the Atlantic City Expressway within Atlantic and Cape May Counties or for ongoing Commercial Shellfish Mariculture Activities (NWP 48) activities where a PCN was submitted and verified by the Corps.
5. 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 Conditions 2, ***Aquatic Life Movements***, and 3, ***Spawning Areas***.
6. A waiver for these timing restrictions may be requested by submitting a PCN to the Corps as set forth in Regional Condition-1 (G-1) which shall also 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; and (4) why the activity must be conducted within the restricted time periods. Cost and logistics alone will not be sufficient.

Condition G-5(c): For all NWP activities proposing the construction and/or replacement of structures in areas mapped as shellfish habitat as defined in the New Jersey Department of Environmental Protection, *N.J.A.C. 7:7-9.2, Coastal Zone Management Rules, as amended on June 20, 2016*, and/or last amended, the following conditions shall be met:

1. All structures must be constructed with alternative materials, such as plastic, natural cedar, or other untreated wood, polymer-coated pressure-treated wood, concrete or other inert products. Creosote and uncoated pressure-treated lumber (i.e. preservative treatment such as CCA-C, ACZA, CC, ACQ, etc.) (Wolmanized©) which are susceptible to leaching are not acceptable for the purpose of any NWP activities in shellfish habitat.
2. Those shellfish areas mapped by the NJDEP as “condemned” and/or “prohibited” for the purpose of harvesting shellfish shall continue to be considered shellfish habitat for the purposes of NWP verification. Shellfish habitat designations can be found on maps listed on the New Jersey Department of Environmental Protection website at <http://www.nj.gov/dep/landuse/shellfish.html>.

Additional information on the MSA and EFH consultations can be found on the NOAA Fisheries, Greater Atlantic Region’s Habitat and Ecosystem Services Division website at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/habitat-conservation/essential-fish-habitat-consultations-greater-atlantic-region>.

REGIONAL GENERAL CONDITION 6 (G-6) FISH & WILDLIFE COORDINATION ACT

This Regional Condition is intended to satisfy conservation recommendations made under the Fish and Wildlife Coordination Act. This Regional Condition is applicable to all NWP activities where a PCN is not required or when a PCN is required and submitted to the Corps, unless waived by the District Engineer.

Condition G-6(a): In order to protect the American horseshoe crab (*Limulus polyphemus*), a NOAA Trust Resource, in-water work shall be avoided from River Mile Zero (RM 0) at the mouth of the Delaware Bay extending to the Salem/Cumberland County line along the Delaware Bay shoreline and all tributary mouths within this reach, from **April 15 to August 30**. This condition does not apply to ongoing Commercial Shellfish Mariculture Activities (NWP 48) activities where a PCN was submitted and verified by the Corps.

Condition G-6(b): For all activities requiring the use of poured concrete in waters of the United States, any discharge of poured concrete must be contained within watertight cells/forms or poured in the dry until the concrete has set.

Condition G-6(c): All activities in waters of the United States must use materials (e.g., soil, gravel, rock) that are free of invasive or non-native species. Any plantings conducted in waters of the United States must be native species. Applicants are encouraged to follow best management practices, such as those outlined in the New Jersey Water Monitoring Council’s Decontamination Protocols, to minimize the risk of introducing or spreading invasive species.

REGIONAL GENERAL CONDITION 7 (G-7) DESIGNATED CRITICAL RESOURCE WATERS

This Regional Condition is intended to satisfy NWP General Condition 22, *Designated Critical Resource Waters*. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments and National Estuarine Research Reserves.

Condition G-7(a): Discharges of dredged or fill material into waters of the United States are **not** authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57, and/or 58 for any activity within or directly affecting the Jacques Cousteau National Research Reserve, including wetlands adjacent to those waters.

Condition G-7(b): For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 32, *Pre-Construction Notification*, for any activity proposed within the Jacques Cousteau National Research Reserve, including wetlands adjacent to those waters. The Corps may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

Information concerning the Reserve’s location and boundaries can be found at <https://coast.noaa.gov/nerrs/reserves/jacques-cousteau.html> or by contacting the Philadelphia District for further coordination prior to applying for an NWP verification.

Activity-Specific Nationwide Permit Regional Conditions

NWP 3, MAINTENANCE

Condition (a): A PCN shall be provided to the Corps 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.

NWP 5, SCIENTIFIC MEASUREMENT DEVICES

Condition (a): Weirs and flumes shall not be constructed in a manner that would preclude the passage of diadromous fish.

Condition (b): The construction or installation of subaqueous turbines or similar facilities is not authorized by this NWP.

NWP 6, SURVEY ACTIVITIES

Condition (a): The permittee shall ensure that all in-stream exploratory trenching is conducted under dry conditions and returned to pre-construction conditions and elevations. To ensure the impacts to the streambed are temporary and no more than minimal, native clean material excavated from the trench shall be used to backfill. All unsuitable/excess excavated material not used as backfill shall be removed from the stream/river bottom and disposed of at an upland disposal site.

Condition (b): The use of in-water explosives is prohibited.

NWP 7, OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES

Condition (a): Any proposed intake structures must include “wedge wire” screening with mesh opening sizes of one (1) mm or less and intake velocities equal to or less than 0.5 feet per second. This condition may be waived by the Corps if an applicant proposes to utilize new or improved technologies that meets or exceeds the “wedge wire” design technology.

Condition (b): 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.

NWP 10, MOORING BUOYS

Condition (a): Water depths in the mooring area must be sufficient that any moored vessels float at all stages of the tide.

Condition (b): Mooring buoys are prohibited in areas with observed or mapped SAV.

NWP 11, TEMPORARY RECREATIONAL STRUCTURES

Condition (a): This NWP is applicable only to structures associated with discrete or specific recreational events.

Condition (b): All temporary structures must be located in areas with sufficient water depths so that the structures float at all stages of the tide.

Condition (c): This NWP does not authorize the placement of any temporary structures in any areas with observed or mapped SAV.

NWP 12, OIL OR NATURAL GAS PIPELINE ACTIVITIES

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

Condition (b): This NWP does not authorize the discharge of any drilling muds that may be generated through such methods as directional boring or drilling. Furthermore, any directional drilling or boring activities must include a plan that addresses prevention, containment, and cleanup of any accidental discharges known as “frac-out”. If a frac-out occurs, the plan addressing containment and clean up shall be immediately implemented and the Corps shall be notified of the frac-out within 24 hours.

Condition (c): This NWP does not authorize stockpiling excavated material in wetlands for longer than 30 days. Any excavated or stockpiled materials shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent re-entry into any waterway or wetland.

Condition (d): Activities occurring below the plane of Ordinary High Water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the Corps to be impracticable.

Condition (e): Where a pipeline is constructed parallel to a stream corridor, a buffer shall be maintained between the utility and the waterway to avoid or minimize potential future impacts to waters of the United States. These disturbances would include such issues as leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the Corps.

Condition (f): The proposed activity shall not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material, as approved by the Corps, to seal the trench at wetland boundaries and every 100 feet within any water of the U.S., including wetlands.

Condition (g): If a proposed activity would involve impacts to SAV, the applicant shall clearly document all efforts to achieve restoration of these areas. At a minimum, this shall include pre-construction surveys to map existing SAV within jurisdictional waters, construction schedules, and long-term monitoring to assess restoration of SAV areas.

Condition (h): Clearances for aerial crossings must be a minimum of ten (10) feet above clearances required for bridges.

For Buried Pipes and Pipelines Across Navigable Waters:

Condition (i): The top of the pipe or pipeline shall be located a minimum of four (4) feet below the existing bottom elevation and shall be backfilled with suitable heavy material to the pre-construction bottom elevation.

Condition (j): Within 60 days after completion of the work, the permittee shall furnish the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7230, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, with certification that the pipe or pipeline has been installed in compliance with the approved plans. The certification shall include a survey conducted by a licensed surveyor, or a “drawing of record” if installation is conducted by directional drilling, which clearly shows the elevations and alignment of the pipe or pipeline across the waterway. Any discrepancies shall be clearly noted.

Condition (k): There shall be no stockpiling or double handling of any excavated/dredged materials within any waterway, unless specifically reviewed and approved by the Corps as a part of any PCN. Furthermore, all excess or unsuitable dredged or excavated material not used as backfill over any cable or pipeline shall be disposed of at a disposal site approved by the Corps.

For Buried Pipes or Pipelines Across the Delaware River Federal Navigation Channel:

Condition (l): The top of the pipe or pipeline crossing the Federal project channel shall be located a minimum of 25 feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the Federal project channel, the top of pipe or pipeline 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.

For Buried Pipes or Pipelines Across “ALL OTHER” Federal Navigation Channels:

Condition (m): The top of the pipe or pipeline crossing the Federal project channel shall be located a minimum of six (6) feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas

outside the Federal project channel, the top of pipe or pipeline shall be located a minimum of four (4) feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

NWP 13, BANK STABILIZATION

Condition (a): Any PCN to the Corps that does not utilize a non-structural bank stabilization method (e.g. vegetation or combinations of vegetation and rock) must include an analysis demonstrating that such measures were not practicable and/or appropriate.

Condition (b): This NWP may not be used to authorize any stabilization activity where no demonstrable erosion is evident.

Condition (c): 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.

NWP 14, LINEAR TRANSPORTATION PROJECTS

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

Condition (b): Any activity proposing a crossing of a stream or open water 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.

NWP 18, MINOR DISCHARGES

Condition (a): This NWP may not be used to authorize stream elimination, relocation, or impoundment.

NWP 23, APPROVED CATEGORICAL EXCLUSIONS

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

NWP 27, AQUATIC ECOSYSTEM RESTORATION, ENHANCEMENT, AND ESTABLISHMENT ACTIVITIES

Condition (a): Any activity associated with this NWP shall require a PCN to the Corps. The Corps will coordinate review of all PCNs with the Federal and State resource agencies.

Condition (b): Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement, is restricted to native shellfish species.

NWP 28, MODIFICATIONS OF EXISTING MARINAS

Condition (a): This NWP is only applicable to those projects which have been previously reviewed and approved by the Corps through the Individual Permit process.

NWP 29, RESIDENTIAL DEVELOPMENTS

Condition (a): Under the terms of this NWP, any wetlands that are located within the platted lot lines of any residential development will be considered an adverse effect on waters of the United States unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the Corps that these areas will be protected and/or preserved in

perpetuity.

Condition (b): This NWP does not authorize construction of ponds or stormwater management basins in waters of the United States.

Condition (c): This NWP does not authorize construction of sewage disposal systems in waters of the United States.

Condition (d): This NWP is not applicable for activities located within the geographic boundaries of the Hackensack Meadowlands District.

Condition (e): This NWP may only be used to verify the construction or expansion of a single-family home for a personal residence by an individual who purchased the lot prior to November 21, 1991.

NWP 33, TEMPORARY CONSTRUCTION, ACCESS, AND DEWATERING

Condition (a): Activities authorized by this NWP may remain in place for no more than six (6) months from the commencement date of the permitted activity.

Condition (b): Activities authorized by this NWP that occur in wetlands shall require the use of construction pads, timber matting, geotextile fabric, and/or Best Management Practices (BMPs) to prevent wetland compaction.

NWP 35, MAINTENANCE DREDGING OF EXISTING BASINS

Condition (a): This NWP is only applicable to those projects which have been previously reviewed and approved by the Corps through the Individual Permit process.

Condition (b): A PCN and an EFH assessment shall be provided to the Corps of Engineers if SAV is observed or mapped within 500 feet of the project footprint. However, no PCN and EFH assessment is required if the applicant agrees to conduct work outside of the SAV time of year restriction, from April 15 through October 15.

NWP 38, CLEANUP OF HAZARDOUS AND TOXIC WASTE

Condition (a): All projects authorized under this NWP shall incorporate the use of ecological standards into the design in addition to any requirements made by the State. The use of ecological standards is the industry standard when assessing contaminant risk in the aquatic environment.

NWP 39, COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS

Condition (a): Under the terms of this NWP, all wetlands determined to be waters of the U.S. located within the platted lot lines of any commercial or institutional development will be considered an adverse effect unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the Corps that these areas will be protected and/or preserved in perpetuity.

Condition (b): The discharge of fill for the construction or expansion of a single-family residential structure, including any attendant features or structures, is not authorized by this NWP. This type of activity may be eligible for authorization under the terms and conditions of other NWPs or an Individual Permit.

Condition (c): This NWP does not authorize construction of ponds or stormwater management basins in waters of the United States.

Condition (d): This NWP does not authorize construction of sewage disposal systems in waters of the United States.

Condition (e): This NWP is not applicable for activities located within the geographic boundaries of the Hackensack Meadowlands District.

NWP 40, AGRICULTURAL ACTIVITIES

Condition (a): This NWP does not authorize any activities located in any perennial stream.

NWP 41, RESHAPING EXISTING DRAINAGE AND IRRIGATION DITCHES

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

NWP 42, RECREATIONAL FACILITIES

Condition (a): This NWP does not authorize any support facilities or buildings such as parking facilities, storage or maintenance buildings, rental buildings, or office buildings. In addition, the NWP does not authorize fill for the construction or expansion of golf courses or ski areas.

Condition (b): This NWP does not authorize construction of ponds or stormwater management basins in waters of the United States.

Condition (c): This NWP does not authorize construction of sewage disposal systems in waters of the United States.

Condition (d): This NWP is not applicable for activities located within the geographic boundaries of the Hackensack Meadowlands District.

NWP 43, STORMWATER MANAGEMENT FACILITIES

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

Condition (b): This NWP does not authorize any activities located in perennial streams and intermittent waters.

NWP 48, COMMERCIAL SHELLFISH MARICULTURE ACTIVITIES

Condition (a): A PCN must be submitted to the Corps for all activities in waters of the United States in accordance with the instructions published on the Philadelphia District Regulatory webpage at <https://www.nap.usace.army.mil/Missions/Regulatory/Aquaculture/>.

Condition (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.

Condition (c): Any introduced shellfish must be certified under New Jersey standards as being disease and parasite free.

Condition (d): 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 are prohibited.

Condition (e): All structures associated with the aquaculture activity must be removed from waters of the United States when/if the activity is abandoned.

Condition (f): Each individual cage and/or bag shall be directly tagged to display the owners name, address, lease location, and State CID (Conservation ID) number and/or USACE permit number. If it is not feasible to include all this information on the tags, then at a minimum the State CID number must be included on each item of gear.

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

NWP 54, LIVING SHORELINES

Condition (a): Fill or dredged material used for the purpose of establishing or reestablishing a vegetative plain must be of appropriate grain size to support plant growth and development.

Condition (b): Sills shall be constructed of riprap, gabion baskets, or clean broken concrete free of metal and rebar. Alternative materials may be considered for use at the discretion of the District Engineer.

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

Condition (d): 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.

Condition (e): The total square footage of vegetated wetlands which may be filled, graded, or excavated 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 subtidal, intertidal, and/or existing wetland vegetation shall be restored to previous conditions and may require a wetland planting plan.

Condition (f): If the proposed project results in temporary impacts to existing wetland vegetation, then the permittee shall monitor the reestablishment 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 2 complete growing seasons, the permittee shall provide a modification request to the Corps and may be required to provide compensatory mitigation.

Condition (g): Projects which include placement of sandy fill material may result in creation of suitable habitat for various Federally listed threatened or endangered species. If this occurs and the applicant seeks to either add to or replenish the area previously filled, the Corps will consult with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act to ensure work is not likely to adversely affect proposed or listed species or proposed or designated critical habitat. Specific requirements on the type of sand allowed for beach and dune work may be required.

NWP 55, SEAWEED MARICULTURE ACTIVITIES

Condition (a): All structures associated with the seaweed mariculture operation shall be removed from waters of the United States when/if the activity is abandoned.

Condition (b): All installed buoys, long-lines, floats, anchors, rafts, racks, and other similar structures installed into navigable waters of the United States shall be directly tagged to display the owner's name, address, and USACE permit number.

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

NWP 57, ELECTRIC UTILITY LINE AND TELECOMMUNICATIONS ACTIVITIES

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.

Condition (b): This NWP does not authorize the discharge of any drilling muds that may be generated through such methods as directional boring or drilling. Furthermore, any directional drilling or boring activities must include a plan that addresses prevention, containment, and cleanup of any accidental discharges known as "frac-out". If a frac-out occurs, the plan addressing containment and clean up shall be immediately implemented and the Corps shall be notified of the frac-out within 24 hours.

Condition (c): This NWP does not authorize stockpiling excavated material in wetlands for longer than 30 days. Any excavated or stockpiled materials shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent re-entry into any waterway or wetland.

Condition (d): Activities occurring below the plane of Ordinary High Water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the satisfaction of the Corps to be impracticable.

Condition (e): Where a utility line is constructed parallel to a stream corridor, a buffer shall be maintained between the utility and the waterway to avoid or minimize potential future impacts to waters of the United States. These disturbances would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the Corps.

Condition (f): The proposed activity shall not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material, as approved by the Corps, to seal the trench at wetland boundaries and every 100 feet within any water of the U.S., including wetlands.

Condition (g): If a proposed activity would involve impacts to SAV, the applicant shall clearly document all efforts to achieve restoration of these areas. At a minimum, this shall include pre-construction surveys to map existing SAV within jurisdictional waters, construction schedules, and long-term monitoring to assess restoration of SAV areas.

For Aerial Transmission Lines Across Navigable Waters:

Condition (h): 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 U.S. Coast Guard for new fixed bridges in the vicinity of the proposed transmission line. These clearances are based on the low point of the line under conditions which produce 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 above clearance required for bridges
115 and below	20 feet
136	22 feet
161	24 feet
230	26 feet
350	30 feet
500	35 feet
700	42 feet
750 – 765	45 feet

Condition (i): Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten (10) feet above clearances required for bridges.

Condition (j): Within 60 days of completion of the work, the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7230, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, with certification that the aerial wire has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the minimum clearance of the aerial wires above the Mean High Water Line at the time of the survey. The certification shall also include a statement by the permittee that the clearance of the wires, at maximum sag conditions, shall never be less than the clearance shown on the approved plans.

For Buried Utility Lines Across Navigable Waters:

Condition (k): The top of the utility line shall be located a minimum of four (4) feet below the existing bottom elevation and shall be backfilled with suitable heavy material to the pre-construction bottom elevation.

Condition (l): Within 60 days after completion of the work, the permittee shall furnish the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7230, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, with certification that the utility line has been installed in compliance with the approved plans. The certification shall include a survey conducted by a licensed surveyor, or a “drawing of record” if installation is conducted by directional drilling, which clearly shows the elevations and alignment of the utility line across the waterway. Any discrepancies shall be clearly noted.

Condition (m): There shall be no stockpiling or double handling of any excavated/dredged materials within any waterway, unless specifically reviewed and approved by the Corps as a part of any PCN. Furthermore, all excess or unsuitable dredged or excavated material not used as backfill over any utility line shall be disposed of at a disposal site approved by the Corps.

For Utility Lines Across the Delaware River Federal Navigation Channel:

Condition (n): The top of the utility line crossing the Federal project channel shall be located a minimum of 25 feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the Federal project channel, the top of 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.

For Utility Lines Across “ALL OTHER” Federal Navigation Channels:

Condition (o): The top of the utility line crossing the Federal project channel shall be located a minimum of six (6) feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the Federal project channel, the top of the utility line shall be located a minimum of four (4) feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

NWP 58, UTILITY LINE ACTIVITIES FOR WATER AND OTHER SUBSTANCES

Condition (a): A PCN shall be submitted to the Corps for all activities in waters of the United States under the terms of this NWP.

Condition (b): This NWP does not authorize the discharge of any drilling muds that may be generated through such methods as directional boring or drilling. Furthermore, any directional drilling or boring activities must include a plan that addresses prevention, containment, and cleanup of any accidental discharges known as “frac-out”. If a frac-out occurs, the plan addressing containment and clean up shall be immediately implemented and the Corps shall be notified of the frac-out within 24 hours.

Condition (c): This NWP does not authorize stockpiling excavated material in wetlands for longer than 30 days. Any excavated or stockpiled materials shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent re-entry into any waterway or wetland.

Condition (d): Activities occurring below the plane of Ordinary High Water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the satisfaction of the Corps to be impracticable.

Condition (e): Where a utility line is constructed parallel to a stream corridor, a buffer shall be maintained between the utility and the waterway to avoid or minimize potential future impacts to waters of the United States. These disturbances would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the Corps.

Condition (f): The proposed activity shall not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material, as approved by the Corps, to seal the trench at wetland boundaries and every 100 feet within any water of the U.S., including wetlands.

Condition (g): If a proposed activity would involve impacts to SAV, the applicant shall clearly document all efforts to achieve restoration of these areas. At a minimum, this shall include pre-construction surveys to map existing SAV within jurisdictional waters, construction schedules, and long-term monitoring to assess restoration of SAV areas.

Condition (h): Clearances for aerial crossings must be a minimum of ten (10) feet above clearances required for bridges.

For Buried Utility Lines Across Navigable Waters:

Condition (i): The top of the utility line shall be located a minimum of four (4) feet below the existing bottom elevation and shall be backfilled with suitable heavy material to the pre-construction bottom elevation.

Condition (j): Within 60 days after completion of the work, the permittee shall furnish the Corps and National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7230, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, with certification that the cable or pipeline has been installed in compliance with the approved plans. The certification shall include a survey conducted by a licensed surveyor, or a “drawing of record” if installation is conducted by directional drilling, which clearly shows the elevations and alignment of the cable or pipeline across the waterway. Any discrepancies shall be clearly noted.

Condition (k): There shall be no stockpiling or double handling of any excavated/dredged materials within any waterway, unless specifically reviewed and approved by the Corps as a part of any PCN. Furthermore, all excess or unsuitable dredged or excavated material not used as backfill over any cable or pipeline shall be disposed of at a disposal site approved by the Corps.

For Buried Utility Lines Across the Delaware River Federal Navigation Channel:

Condition (l): The top of the utility line crossing the Federal project channel shall be located a minimum of 25 feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the Federal project channel, the top of 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.

For Buried Utility Lines Across “ALL OTHER” Federal Navigation Channels:

Condition (m): The top of the utility line crossing the Federal project channel shall be located a minimum of six (6) feet below the authorized project channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the Federal project channel, the top of the utility line shall be located a minimum of four (4) feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

NWP 60, ACTIVITIES TO IMPROVE PASSAGE OF FISH AND OTHER AQUATIC ORGANISMS

Condition (a): Any activity associated with this NWP shall require a PCN submitted to the Corps.