

APPENDIX 6
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 should 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. To ensure the impacts to streambeds 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 bottoms and disposed of at an upland disposal site.

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

1. Intake structures should be equipped with “wedge wire” screening or another material of equal or better performance with mesh opening sizes of 1 millimeter (mm) or less. In addition, intake velocities should not exceed 0.5 feet per second. 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. The District Engineer will coordinate review of the request for a waiver with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

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 with observed submerged aquatic vegetation (SAV) or mapped as SAV habitat. Mapped SAV habitat can be found at the following link:

<https://experience.arcgis.com/experience/33c8ad40e1b84588bc2adf50ce99e58f>.

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 with observed containing submerged aquatic vegetation (SAV) or mapped as SAV habitat. Mapped SAV habitat can be found at the following link:

<https://experience.arcgis.com/experience/33c8ad40e1b84588bc2adf50ce99e58f>.

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 NWP 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 United States. Necessary for the remediation of inadvertent returns of drilling fluids. 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.

c. 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.

d. 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 #3 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>.

3. Regional Conditions specific to 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 NWP 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 NWP 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 NWP 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 NWP 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 NWP 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 NWP 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 NWP 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 NWP 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, 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. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

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 United States 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 United States Coast Guard requirements. The prospective permittee shall contact the United States Coast Guard at the following address to determine marking requirements and shall comply with such requirements as directed by the United States Coast Guard: Commander (oan), Coast Guard East 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:

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania the District Engineer will coordinate review of all Pre- Construction Notifications (PCNs) 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, the District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) 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. The District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) 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:

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

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

See Regional Conditions in G. above.

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

See Regional Conditions in G. above.

Y. Nationwide Permit 60 Activities to Improve Passage of Fish and Other Aquatic Organisms:

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

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. Diadromous Fish Time-of-Year Restriction

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. Anadromous Fish Time-of Year Restriction. This condition applies to NWP 3a, 3b, 17, 22, 23, 27, 28, 31, 35, 38, 49, 55, and 60.

For activities in the Baltimore District area of responsibility, in order to protect spawning habitat or a migratory pathway for anadromous fish, in-water work shall be avoided in accordance with the following time of year restriction, unless otherwise authorized by the District Engineer through the PCN process:

a. To protect anadromous fish species in the Susquehanna River main stem upstream from the Safe Harbor Dam and downstream from the Sundbury Dam, in-water work shall be avoided from **March 1 to June 30**.

b. 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.

c. 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) what additional measures have been taken or are being proposed to avoid impacts; (3) 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.

3. 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.

c. 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 Wild and Scenic River General Email Inbox at NER_PWSR@nps.gov

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 United States, United States 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. United States 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 screening results in "Further Work Required", then the applicant must submit a PCN to the District Engineer. All permittees must use the Information for Planning and Consultation (IPaC) tool (<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 a FWS Official Species List and completed Determination Keys, if applicable, tailored for the proposed project area with the PCN. Further information on the USFWS project review process may be found on the PA Field Office's website at <https://www.fws.gov/office/pennsylvania-ecological-services/project-review-information>.

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. For activities in the Philadelphia District Regulatory Area of Responsibility the prospective permittee shall submit a PCN to the District Engineer for any NWP activity that is proposed in the mainstem Delaware River within 150 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. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

3. For activities in the Baltimore District Regulatory Area of Responsibility within the mainstem of the Susquehanna between Sunbury Dam and Safe Harbor Dam, a PCN is required for mechanical dredging activities where the total dredged area exceeds 1,500 square feet and/or the total dredging volume exceeds 100 cubic yards of material, when the activity is (1) proposed within 150 feet of mapped SAV (as described in Regional General Condition E(2)) and (2) conducted during the SAV growing season (April 15-October 15). 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).

4. 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 United States 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.

H. Section 401 Water Quality Certification Conditions:

The Pennsylvania Department of Environmental Protection issued conditional 401 Water Quality Certification provided that:

1. Prior to beginning any activity authorized by the Corps under a NWP, the applicant shall obtain from the Pennsylvania Department of Environmental Protection (PADEP) all necessary environmental permits or approvals, and submit to PADEP environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including The Clean Streams Law (35 P.S. §§ 691.1-691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27), the Floodplain Management Act (32 P.S. §§ 679.101-679.601), the Oil and Gas Act (58 Pa.C.S. §§ 3201-3274), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1-1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301-3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1-1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51-30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101-6018.1003), the

Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101-6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101-6026.908), 58 Pa.C.S. §§ 3201-3274 (relating to development), the Sewage Facilities Act 35 P.S. §§ 750.7b and 750.9, the Air Pollution Control Act (35 P.S. §§ 4001-4015) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 16, 71, 77, 78, 78a, 86-91, 92a, 93, 95, 96, 102, 105, 106, 127, 245, and 260a-299.

2. Fill Material may not contain any waste as defined in the Solid Waste Management Act.

3. Applicants and projects eligible for these NWP's must obtain all state permits or approvals, or both, necessary to ensure that the project meets the state's applicable water quality standards, including a project-specific State Water Quality Certification (SWQC).*

*The scope of the issuance of this SWQC is related only to the scope and applicability of the proposed NWP's. Any activity or project requiring PADEP to issue 401 SWQC that is beyond the scope of these proposed NWP's will require the applicant to obtain a project-specific SWQC from PADEP. This would include any activity or project requiring a SWQC associated with an authorization, permit or license issued by a federal agency, such as FERC or NRC. Such activities or projects include, but are not limited to, an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project.

I. Coastal Zone Management Act Consistency Determination Condition:

The Pennsylvania Department of Environmental Protection, Pennsylvania Coastal Resource Management (CRM) Program concurs that the NWP's and Pennsylvania Regional Conditions are consistent with the Pennsylvania CRM Program's enforceable policies, subject to the following condition.

1. Prior to beginning any activity authorized by the USACE under a NWP, the applicant shall obtain from the Department all necessary environmental permits or approvals and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27) and 25 Pa. Code Chapter 105.

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.

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.

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

United States 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, Massachusetts 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