



**US Army Corps
of Engineers**
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004
Attn: CENAP-RG

Special Public Notice

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File Name: General Nationwide Permits
Email: PhiladelphiaDistrictRegulatory@usace.army.mil

Baltimore District

New York District

Philadelphia District

SPECIAL PUBLIC NOTICE ANNOUNCING THE FINAL REGIONAL CONDITIONS, NATIONWIDE PERMIT SUSPENSIONS, AND STATUS OF COASTAL ZONE MANAGEMENT CONSISTENCY CONCURRENCE AND WATER QUALITY CERTIFICATION FOR THE 2026 NATIONWIDE PERMITS

The purpose of this special public notice is to inform the public of the issuance of the final regional conditions applicable to Nationwide Permit (NWP) activities in the State of Delaware and in waters of the United States near and including the Chesapeake and Delaware Canal in Maryland, State of New Jersey, and Commonwealth of Pennsylvania. The areas in Maryland include Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways. Furthermore, this special public notice announces the suspension of various NWPs located in certain waters for the Commonwealth of Pennsylvania that are located within the Philadelphia District. Finally, this special public notice announces the status and conditions associated with coastal zone management consistency and water quality certification for NWPs in the areas noted above.

On January 8, 2026, the U.S. Army Corps of Engineers (USACE) published a final action in the *Federal Register* (91 FR 768) announcing the reissuance of 56 existing NWPs and one new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 57 NWPs will go into effect on March 15, 2026, and will expire on March 15, 2031. One NWP was not reissued.

It should be noted that activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the 2021 NWPs will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

More information on the 2026 Nationwide Permits and the January 8, 2026 *Federal Register* notice is available on the USACE Headquarters website at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>.

The Philadelphia District has the lead responsibility for the development of regional conditions for NWP activities in the States of New Jersey, Delaware and in waters of the United States near and including the Chesapeake and Delaware Canal in Maryland. The Baltimore District has the lead responsibility for the development of regional conditions that would be applicable in the Commonwealth of Pennsylvania. It should be noted that the State of New Jersey has assumed the permitting responsibilities within the State pursuant to Section 404 of the Clean Water Act. As such, the NWP actions described in this notice are restricted to those portions of the State that remain under USACE regulatory jurisdiction. The attached finalized 2026 NWP Regional Conditions for activities located within the Philadelphia District ensure that projects result in no more than minimal adverse impacts to the aquatic environment and address local resource concerns. The finalized 2026 NWP Regional Conditions have had minor language modifications and formatting modification to improve readability. Some regional conditions have been updated to address resource concerns. The attached finalized 2026 NWP Regional Conditions have also been posted to the Philadelphia District's website and can be located at <http://www.nap.usace.army.mil/Missions/Regulatory/Permits/NWP.aspx>.

In addition, the Baltimore, Pittsburgh, and Philadelphia Districts proposed suspensions and regional conditions for the 2026 NWPs within the Commonwealth of Pennsylvania, and solicited public comments thereon, in *Special Public Notice #25-30*, dated June 18, 2025, and posted by the Baltimore District on their website at <http://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/>.

As finalized, the suspension of various 2026 NWPs eliminated redundancy with the Pennsylvania State Programmatic General Permit (PASPGP), which is administered jointly by USACE and Pennsylvania Department of Environmental Protection (PADEP). If the PASPGP becomes void, enjoined, suspended, revoked, or removed from effect for any reason, USACE will consider reinstating some or all of the suspended NWPs for the purposes of efficiency and effectively protecting the aquatic environment, while maintaining an acceptable level of responsiveness to the regulated public. The North Atlantic Division Commander has approved the 2026 NWP Regional Conditions for the Commonwealth of Pennsylvania (to include suspensions), the State of New Jersey, the State of Delaware and in waters of the United States near and including the Chesapeake and Delaware Canal in Maryland for activities located within the Philadelphia District. These regional conditions and suspensions become effective on March 15, 2026.

Concurrences and Certifications: In accordance with 40 CFR 121.5, publication of the proposed NWPs in the Federal Register for a 60-day public comment period served

as the request for Clean Water Act Section 401 Water Quality Certification (WQC) commencing the six-month review time for WQC. The Federal Register notice also served as the request for Coastal Zone Management Act (CZMA) consistency concurrence commencing the 60-day review time for CZMA.

The States of Delaware, New Jersey, Maryland and the Commonwealth of Pennsylvania have completed their WQC processes and rendered their final positions on these certifications for the NWP's proposed in the Federal Register Notice on June 18, 2025. In those cases where the State has denied the WQC for a particular NWP, an applicant must obtain an individual water quality certification for that activity prior to conducting any discharge of dredged or fill material into waters of the United States. Further, the States have also completed their CZMA consistency determination processes and rendered their final position on these certifications for the NWP's proposed in the Federal Register Notice on June 18, 2025. In those cases where the State has denied the CZMA consistency for a particular NWP, an applicant must obtain an individual CZMA consistency concurrence from the State for that particular activity prior to conducting any work in waters of the United States.

Attached to this public notice are the regional conditions for each state, a list of NWP suspensions in the Commonwealth of Pennsylvania, and a table listing the concurrences and certifications rendered by the states as of the date of this notice. Additional information concerning the nationwide permits and regional conditions can be obtained by contacting our office at PhiladelphiaDistrictRegulatory@usace.army.mil, at (215) 656-6728, or by writing this office at the above address.

Todd A. Schaible
Chief, Regulatory Division

Enclosures:

1. Regional Conditions for Delaware and Maryland
2. Regional Conditions for New Jersey
3. Regional Conditions for Pennsylvania
4. NWP Suspensions for Pennsylvania
5. CZM Concurrences and WQC Certification Table