

**REGIONAL CONDITIONS TO THE 2020 NATIONWIDE PERMITS IN THE
COMMONWEALTH OF PENNSYLVANIA**

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

A. Nationwide Permit #3 Maintenance: Prior to commencing the activity, non-federal permittees must submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) for this Nationwide Permit (NWP), in the following circumstances:

1. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania¹, the non-federal 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 when an one-way tide gate is proposed to be used to replace an existing tide gate, or when maintenance is proposed on an existing one way tide gate. A copy of the PCN must also be sent to the National Marine Fisheries Service Habitat Conservation Division (NMFS HCD)². The applicant, as part of the PCN, shall also demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates.

B. Nationwide Permit #5 Scientific Measurement Devices:

1. 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.

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. Any proposed intake structures must include “wedge wire” screening with mesh opening sizes of 2 millimeters (mm) or less and intake velocities equal to or less than 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.

¹ District Boundaries can be found at the weblinks listed in Special Note 2.

²The address can be found in Special Note 3.

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

E. Nationwide Permit #10 Mooring Buoys:

1. Water depths in the mooring area must be sufficient so that any moored vessels float at all stages of the tide or mean low water.
2. Mooring buoys are prohibited in areas containing submerged aquatic vegetation.

F. Nationwide Permit #11 Temporary Recreational Structures: Prior to doing the work, non-federal permittees must submit a Pre-construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32)

1. Water depths in mooring areas must be sufficient so that any moored vessels float at all stages of the tide or mean low water.
2. This Nationwide Permit (NWP) does not authorize the placement of any temporary structures in any areas containing submerged aquatic vegetation.
3. 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 events.

G. Nationwide Permit #12 Oil or Natural Gas Pipeline Activities: Prior to commencing the activity, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32)

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that:
 - a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer.
 - b. All excess or suitable dredged and/or excavated material not used as backfill over any pipeline shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other methods acceptable by the Corps, to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:

- a. For all submerged pipelines across navigable waters of the United States: A location map and cross-sectional view drawing showing the utility line crossing from bank to bank in relationship to the waterway bottom;
 - b. For pipeline projects completed by horizontal directional drilling or other boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S. that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a remediation plan as soon as possible.
3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The pipeline should make a perpendicular crossing of a stream when feasible. Horizontal directional drilling shall be reviewed as an option where feasible.
 4. In general, all pipelines shall be buried the minimum depth below the authorized depth of the Federal navigation channel consistent with the District's requirements. Section 408 permission may be required;
 5. **Regional Conditions specific in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:**
 - a. **For Buried Pipelines Across the Delaware River Federal Navigation Channel:** The top of the pipeline 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 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 Across the Schuylkill River Federal Navigation Channel:** The top of the pipeline 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 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 Across "ALL OTHER" Federal Navigation Channels:** The top of the pipeline 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 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/>)

H. Nationwide Permit #13 Bank Stabilization

1. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:
 - a. 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.
 - b. This Nationwide Permit may not be used to authorize any stabilization activity where no demonstrable erosion or threat of erosion is evident.

I. Nationwide Permit #14 Linear Transportation Projects

1. Prior to doing the work, non-federal permittees shall submit a Pre-construction (PCN) to the District Engineer, (see General Condition 32 and Regional General Condition 32) if a Section 10 permit is required.
2. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, stream or open water crossings shall be designed to maintain continuity of existing benthic habitats and to maintain existing stream flow patterns. This can be achieved through the use of elevated structures, bottomless culverts, or by depressing culverts below the stream bottom. This design requirement must include a site-specific evaluation of the particular stream or water body to determine if it is experiencing erosion or sedimentation rates that would alter the bottom elevation. Where a series of culverts are used, only those cells or culverts, which carry the base stream flow, shall be depressed. The bottom of any other culverts or cells shall be raised to pass and maintain existing and expected high flows. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.

J. Nationwide Permit #18 Minor Discharges: Prior to doing the work, non-federal permittees shall submit a Pre-Construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32)

K. Nationwide Permit #19 *Minor Dredging*: Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

L. Nationwide Permit #23 *Approved Categorical Exclusions*: Prior to commencing the activity, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32)

M. Nationwide Permit #27 *Aquatic Habitat Restoration, Establishment, and Enhancement Activities*: Prior to commencing the activity, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

1. Shellfish seeding activities are restricted to shellfish species that are native to that waterbody.
2. For activities in the Philadelphia District Regulatory Area of Responsibility with in Pennsylvania, a complete copy of any PCN submitted to the District Engineer shall also be forwarded directly to the National Marine Fisheries Service Habitat Conservation Division (NMFS). The applicant must provide evidence that this has been accomplished. The District Engineer will coordinate review of the PCN with the NMFS pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

N. Nationwide Permit #28 *Modifications of Existing Marinas*: Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

1. For projects in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to those projects, which have been previously reviewed and approved by the District Engineer through the Standard Permit process.

O. Nationwide Permit #30 *Moist Soil Management for Wildlife*: Prior to commencing the activity, non-federal permittees must submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

P. Nationwide Permit #35 *Maintenance Dredging of Existing Basins*: Non-federal permittees must submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

1. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to those projects which have been previously reviewed and approved by the District Engineer through the standard permit process

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

1. Any introduced shellfish must be indigenous to the area and must be certified under any State standards as being disease and parasite free.
2. Predator control devices (i.e., mesh fences, mesh nets, and mesh tents) suspended or erected vertically or obliquely in the water column to surround or enclose shellfish containment gear is prohibited.
3. All structures associated with the aquaculture activity must be removed from waters of the United States when/if the activity is abandoned.
4. Use of unsuitable materials for shellfish seeding (i.e., asphalt, bituminous concrete slag, tires, wallboard, plastic, wood, metal, crushed glass, and garbage) is prohibited.
5. Each individual cage and/or bag shall be directly tagged to display the owner's name, address, lease location and U.S Army Corps of Engineer's permit number.
6. To protect navigation during daylight, lowlight, and nighttime conditions, the perimeter of the lease site and authorized structures shall be marked in accordance with the U.S. Coast Guard requirements. The prospective permittee shall contact the U.S. Coast Guard at the following address to determine marking requirements and shall comply with such requirements as directed by the U.S. Coast Guard:
Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, VA 23704; and no gear shall be installed prior to receiving official authorization.

R. Nationwide Permit #52 Water-Based Renewable Energy Generation Pilot Projects

1. All Pre-Construction Notifications (PCNs) in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania shall be coordinated with the Federal and State resource agencies. As a part of the required PCN to the District Engineer of Engineers, the applicant shall provide evidence that a duplicate copy of the PCN has been submitted to and received by the other concerned Federal and State resource agencies (e.g., copy of certified/registered mail receipt). The addresses for these agencies can be found in Special Note 3 below.

S. Nationwide Permit #53 Removal of Low-Head Dams

1. For activities in Philadelphia District Regulatory Area of Responsibility within Pennsylvania, a complete copy of any Pre-construction Notification (PCN) submitted to the District Engineer shall also be forwarded directly to the National Marine Fisheries Service Habitat Conservation Division (NMFS HCD). The applicant must provide evidence that this has been accomplished. The District

Engineer will coordinate review of the PCN with the NMFS HCD pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

T. Nationwide Permit #54 *Living Shorelines*

1. For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, a complete copy of any Pre-construction Notification (PCN) submitted to the District Engineer shall also be forwarded directly to the National Marine Fisheries Service Habitat Conservation Division (NMFS HCD). The applicant must provide evidence that this has been accomplished. The District Engineer will coordinate review of the PCN with the NMFS HCD pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

U. Nationwide Permit C *Electric Utility Line and Telecommunications Activities*: Prior to commencing the activity, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32).

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that:
 - a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer.
 - b. All excess or suitable dredged and/or excavated material not used as backfill over any utility line shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other methods acceptable by the Corps, to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:
 - a. For all submerged cables across navigable waters of the United States: A location map and cross-sectional view drawing showing the utility line crossing from bank to bank in relationship to the waterway bottom;
 - b. For utility line projects completed by horizontal directional drilling or other boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S., then the permittee must notify the Corps immediately and submit a remediation plan as soon as possible.

3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Horizontal directional drilling shall be reviewed as an option where feasible;
4. In general, all 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 may be required;
5. **Regional Conditions specific in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:**
 - a. **For Buried Cables Across the Delaware River Federal Navigation Channel:** The top of the cable 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 cable 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 Cables Across the Schuylkill River Federal Navigation Channel:** The top of the cable 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 cable 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 Cables Across "ALL OTHER" Federal Navigation Channels:** The top of the cable 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 cable 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/>)

V. Nationwide Permit C Utility Line Activities for Water and Other Substances: Prior to commencing the activity, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer. (See General Condition 32 and Regional General Condition 32)

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that:
 - a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer.
 - b. All excess or suitable dredged and/or excavated material not used as backfill over any utility line shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other methods acceptable by the Corps, to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:
 - a. For all submerged utility lines across navigable waters of the United States: A location map and cross-sectional view drawing showing the utility line crossing from bank to bank in relationship to the waterway bottom;
 - b. For utility line projects completed by horizontal directional drilling or other boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S., then the permittee must notify the Corps immediately and submit a remediation plan as soon as possible.
3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Horizontal directional drilling shall be reviewed as an option where feasible;
4. In general, all 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 may be required;
5. **Regional Conditions specific in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:**
 - a. **For Buried Utility Lines Across the Delaware River Federal Navigation Channel:** The top of the 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 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 Utility Lines Across the Schuylkill River Federal Navigation Channel:** The top of the 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 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 Utility Line Across “ALL OTHER” Federal Navigation Channels:** The top of the 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 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/>)

II. Regional Conditions Applicable to Multiple and/or All 2020 Nationwide Permits within the State of Pennsylvania

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 general conditions found in the proposal to reissue and modify the NWPs published in the *Federal Register* on September 15, 2020 (85 FR 179), and any case-specific special conditions imposed by the Corps.

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

1. For activities in the Philadelphia District Regulatory Area of Responsibility, in order to protect diadromous fish migrations, spawning activities, and EFH, in-water work shall be avoided in accordance to 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.

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

1. Non-federal permittees must provide a PCN if a proposed NWP activity will occur in the following officially designated National Wild and Scenic Rivers applicable to this regional general condition:
 - 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, the non-federal prospective permittee shall send a copy of the PCN to the National Park Service prior to performing an activity located within a Wild and Scenic River. A copy of the National Park Service approval shall be obtained for the project and forwarded to the Corps of Engineers as part of the PCN prior to the permittee receiving Nationwide Permit verification. The appropriate addresses for the National Park Service are provided below:
 - a. For all projects, the applicant shall notify: National Park Service, 15 State Street, Boston Massachusetts, 02109.
 - b. If the proposed project is located in the Upper Delaware River, notification shall also be sent to Upper Delaware National Scenic and Recreational River, R.R. 2, Box 2428, Beach Lake, Pennsylvania, 18405-9737.
 3. For activities in the Pittsburgh District Regulatory Area of Responsibility within Wild and Scenic Rivers, prior to the prospective permittee performing any activity in waters of the U.S., U.S Forest Service approval shall be obtained for the project by the Pittsburgh District prior to Nationwide Permit verification.

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

1. **U.S. Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) Requirements:**
 - a. Prior to commencing the activity, the applicant must complete a Pennsylvania Natural Diversity Inventory (PNDI) project screening for federally listed threatened and endangered species. The PNDI Environmental Review Tool is located at: <http://www.naturalheritage.state.pa.us>. If the PNDI receipt identifies a “Potential Impact” or “Avoidance Measure” relevant to a listed or eligible for listing USFWS species then the applicant must submit a PCN to the District Engineer, and concurrently forwarded to the USFWS (see General Condition 32 and Regional General Condition 32), prior to doing work. **(See Addresses in Special Note 3 below)**. The applicant shall provide evidence that a duplicate copy of the PCN has been submitted to, and received by the USFWS (e.g., copy of certified/registered mail receipt or email). A USFWS letter (issued pursuant to the ESA) serves as evidence that the permittee has contacted the USFWS.
 - b. Prior to any work within the **Delaware River** whereby the regulated activities extend across State Boundaries (PA/NJ), the applicant shall document that they have followed the consultation guidance published on the U.S. Fish and Wildlife Service

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. A list of federally listed species for your action area shall be generated using the U.S. Fish and Wildlife Service, Information for Project Planning and Conservation (IPaC) at the following website <https://ecos.fws.gov/ipac/>. Upon your review of IPaC, if the proposed activity is within a municipality that supports a federally listed species and the project site supports habitat for a federally listed species, the applicant shall follow the guidance provided on the U.S. Fish and Wildlife Service New Jersey Field Office website. If necessary, contact the U.S. Fish and Wildlife Service New Jersey Field Office for further coordination prior to applying 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 commencing the activity, the non-federal prospective permittee shall generate a list of federally-listed species 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>. Upon review of the generated species list, if the proposed activity overlaps a municipality that supports a federally listed species and/or the project site supports habitat for a federally-listed species, the non-federal prospective permittee is **required** to submit a PCN to the District Engineer 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.

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

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

1. **For PCN activities in the Philadelphia District Regulatory Area of Responsibility:** The non-federal prospective permittee shall notify the Philadelphia District Corps of Engineers in accordance with NWP General Condition 32, *Pre-Construction* Notification by using a signed pre-construction notification form (Form ENG 6082).
2. **Conditions for Waters Containing Submerged Aquatic Vegetation (SAV) Beds:** This condition applies to NWPs 3, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 23, 27, 28, 35, 38, 48, 52, 53, 54, A, B, C, and D. When a PCN is required, the District Engineer will provide a copy of the complete PCN to NMFS-HCD for any NWP activity that is proposed within **50 feet** of SAV beds, or mapped SAV habitat. Additional avoidance and minimization measures, such as relocating a structure or time-of-year restrictions (TOYR) may be required to reduce impacts to SAV habitat.
3. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality (e.g., Section II.D.1., above). Preferably all PCN information can be submitted electronically using district-specific procedures; alternatively, a hard copy may be sent to the Corps. The PCN shall include all activities that the applicant plans to undertake that are reasonably related to the same project. 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.
 - a. Copy of response from the SHPO concerning historic properties that may be affected by the proposed activity.
 - b. Documentation from the appropriate state agency indicating whether the proposed project is located within a State Natural Heritage site, Outstanding National Resource Water, or National Estuarine Research Reserve. For further information, reference NWP General Condition 22.

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

1. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to

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

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

- a. The PCN for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation;
 - b. District Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over District Engineer lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required; and
 - c. Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
2. Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the District Engineer and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910 with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.
 3. Aids to Navigation: If the Corps or the U.S. Coast Guard determine that private aids to navigation are required to mark the project area, the permittee must prepare and provide for United States Coast Guard (USCG) approval (address

below) 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:*

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

SPECIAL NOTES:

1. 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.
2. 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 Pittsburg District Area of Responsibility can be found at: https://www.lrp.usace.army.mil/Portals/72/Regulatory_District_Map_Poster%2020190925_0921.pdf
3. The following addresses shall be used for notification to those Federal and State agencies, where the review of the PCN must be coordinated by the District Engineer.

(1) Environmental Protection Agency
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

(2) U.S. Fish and Wildlife Service
Pennsylvania Field Office
110 Radnor Road, Suite 101
State College, Pennsylvania 16801

(3) National Marine Fisheries Service
Habitat Conservation Division
74 Magruder Road
Highlands, New Jersey 07732

(4) Pennsylvania Historical & Museum Commission
Bureau of Historic Preservation

Commonwealth Keystone Building, 2nd
400 North Street
Harrisburg, Pennsylvania 17120

(5) Pennsylvania Fish & Boat Commission
North Central Law Enforcement
595 Rolling Ridge Drive
Bellefonte, Pennsylvania 16823-9616

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

(7) Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797