



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OPR

# Public Notice

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Public Notice No. <b>CENAP-OPR-Final NWPs</b>	Date <b>08 March 2021</b>
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Application No. <b>Special Public Notice for NWPs</b>	File No.
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In Reply Refer to:  
**REGULATORY BRANCH**

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## **FINAL PUBLIC NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS AND PUBLICATION ON THE PHILADELPHIA DISTRICTS WEBSITE**

**The purpose of this special public notice is to inform the general public of the issuance of the final regional conditions applicable to Nationwide Permit (NWP) activities in the Commonwealth of Pennsylvania, 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. These 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 nationwide permits located in certain waters for the Commonwealth of Pennsylvania that are located within the Philadelphia District.**

On January 13, 2021, the U.S. Army Corps of Engineers (Corps) published a final rule in the Federal Register (86 FR 2744) announcing the reissuance of 12 existing nationwide permits (NWPs) and issuance of four new NWPs, as well as the reissuance of NWP general conditions and definitions with some modifications. The NWPs in this rule along with Regional Conditions specific to the 16 NWPs replace prior versions of the 2017 Nationwide Permits. The remaining 40 NWPs and associated General and Regional Conditions from 2017 remain in effect through their scheduled March 18, 2022, expiration date.

More information on the 2021 Nationwide Permits and the January 13, 2021 *Federal Register* notice is available on the Corps 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 the Corps regulatory jurisdiction. The attached Finalized 2021 NWP Regional Conditions for activities located within the Philadelphia District that ensure projects result in no more than minimal adverse impacts to the aquatic environment and address local resource concerns 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 2021 NWP within the Commonwealth of Pennsylvania, and solicited public comments thereon, in *Special Public Notice #20-62*, dated September 30, 2020, 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 2021 NWP eliminated redundancy with the Pennsylvania State Programmatic General Permit-5 (PASPGP-5), which is administered jointly by the Corps and Pennsylvania Department of Environmental Protection (PADEP). If the PASPGP-5 becomes void, enjoined, suspended, revoked, or removed from effect for any reason, the Corps will consider reinstating some or all of the suspended NWP 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 2021 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. Those regional conditions and suspensions become effective on March 15, 2021.

**Concurrences and Certifications:** The Federal Register notice proposing to reissue and issue the NWP published on September 15, 2020, started the 30-day pre-filing meeting and 60-day certification request under the Clean Water Act Section 401 Water Quality Certification (WQC) process and the 90-day consistency concurrence request under the Coastal Zone Management Act (CZMA) process.

The States of Delaware, New Jersey, Maryland and Pennsylvania have completed their WQC processes and rendered their final positions on these certifications for the NWP proposed in the Federal Register Notice on September 15, 2020. 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 proposed in the Federal Register Notice on September 15, 2020. 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 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 [NAPRegulatory@usace.army.mil](mailto:NAPRegulatory@usace.army.mil), at (215) 656-6728, or by writing this office at the above address.



Todd A. Schaible  
Chief, Regulatory Branch

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