



**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. CENAP-OPR-Final NWPs	Date February 11, 2022
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Application No. Special Public Notice for NWPs	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.

In the September 15, 2020, issue of the *Federal Register* (85 FR 57298), the U.S. Army Corps of Engineers (Corps) published its proposal to reissue 52 existing nationwide Permits (NWPs) and issue five new NWPs. On September 24, 2020, the Philadelphia District published a public notice to solicit comments on proposed regional conditions for these NWPs in the States of New Jersey and Delaware including the Chesapeake and Delaware Canal in Maryland.

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. Those 16 NWPs and NWP general conditions and definitions went into effect on March 15, 2021, with an expiration date of March 14, 2026.

On December 27, 2021, the Corps published a final rule in the *Federal Register* (86 FR 73522) announcing the reissuance of the remaining 40 existing NWPs and the issuance of one new NWP. Those 41 NWPs will go into effect on February 25, 2022, and will expire on March 14, 2026. The NWP general conditions and definitions published in the January 13, 2021, issue of the *Federal Register* apply to the 41 NWPs reissued/issued in this final rule published in the December 27, 2021, issue of the *Federal Register*. More information on these NWPs and the December 27, 2021, *Federal Register* (86 FR 73522) notice is available on the Corps Headquarters website at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

It should be noted that 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. Additionally, the State of New Jersey has assumed the permitting responsibilities within the State pursuant to Section 404(g) 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 address local resource concerns, ensuring that projects result in no more than minimal adverse impacts to the aquatic environment and can be located at: <http://www.nap.usace.army.mil/Missions/Regulatory/Permits/NWP.aspx>

In addition, the Baltimore, Pittsburgh, and Philadelphia Districts finalized suspensions and regional conditions for the 2021 NWPs within the Commonwealth of Pennsylvania in *Special Public Notice #22-02*, dated February 4, 2022, and can be located at the Baltimore District website at: <http://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/>

The North Atlantic Division Commander has approved the regional conditions for the 41 NWPs in 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 February 25, 2022.

#### **Section 401 Water Quality Certifications and Coastal Zone Management Certifications:**

The States of Delaware, New Jersey, Maryland and Pennsylvania have completed their WQC processes and rendered their final positions on these certifications for the 41 NWPs. 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 41 NWPs. 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, as well as conditions related to those 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