



**US Army Corps  
of Engineers**  
Philadelphia District

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ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
**CENAP-OP-R-2020-0006**

Date  
**24 September 2020**

Application No. File No.  
**Special Public Notice for NWP Reissuance – Regional Conditions**

In Reply Refer to:  
**REGULATORY BRANCH**

## NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On September 15, 2020, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 52 existing nationwide permits (NWP) and issue five new NWP.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWP require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWP cause no more than minimal individual and cumulative adverse environmental effects.

National Issues Concerning the Proposed NWP: The Federal Register notice is the public's opportunity to comment on the proposed NWP, general conditions, and definitions. Comments on national issues relating to these NWP should be submitted to docket number COE-2020-0002 at [www.regulations.gov](http://www.regulations.gov), or by email to [nationwidepermits2020@usace.army.mil](mailto:nationwidepermits2020@usace.army.mil) or by mail to Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, ATTN: CECW-CO-R, 441 G Street, N.W., Washington, D.C. 20314-1000. Instructions for submitting comments are provided in the September 15, 2020 Federal Register notice. Comments on the proposed NWP are due by **November 16, 2020**. Enclosed is a copy of the proposed NWP and conditions for your convenience (**Enclosure 1**). They are also available through Corps Home Page at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>, at [www.regulations.gov](http://www.regulations.gov) in docket number COE-2020-0002, or at the Federal Register at <https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits>.

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP, are available for viewing at [www.regulations.gov](http://www.regulations.gov), docket number COE-2020-0002. Final decision documents will be prepared for the NWP that are issued.

Regional Issues Concerning the Proposed NWP, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWP are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWP may be more than minimal. Enclosed in this public notice are the proposed regional conditions currently under

consideration by the North Atlantic Division (NAD) for the State of New Jersey (**Enclosure 2**) and Delaware including waters of the United States near and including the Chesapeake and Delaware Canal in Maryland (**Enclosure 3**). The Philadelphia District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP are no more than minimal, individually and cumulatively.

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWP. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP.

It should be noted that the State of New Jersey has assumed 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 Federal regulatory jurisdiction. It should be further noted that the Corps' regulatory responsibilities in New Jersey are shared by the Philadelphia District and New York District offices. However, the Philadelphia District has the lead responsibility for this effort in the State of New Jersey and will be coordinating this effort on behalf of Corps' New York District office.

Comments on regional issues relating to the proposed NWP and proposed regional conditions should be sent electronically to the Philadelphia District at [philadelphiadistrictregulatory@usace.army.mil](mailto:philadelphiadistrictregulatory@usace.army.mil). Comments relating to regional conditions are due by **November 8, 2020**. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWP are issued, the final regional conditions will be issued after they are approved by the Division Commander.

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Chief, Regulatory Branch

For: David C. Park  
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District Commander