

Enclosure 1

I. Commonwealth of Pennsylvania

- A. The following NWP's are proposed **to be suspended** in the Commonwealth of Pennsylvania, except in those areas and activities enumerated in Section I.B. below:

NWP 1: Aids to Navigation
NWP 4: Fish and Wildlife Harvesting, Enhancement, & Attraction Devices and Activities
NWP 5: Scientific Measurement Devices
NWP 7: Outfall Structures and Associated Intake Structures
NWP 10: Mooring Buoys
NWP 11: Temporary Recreational Structures
NWP 12: Utility Line Activities
NWP 13: Bank Stabilization
NWP 14: Linear Transportation Projects
NWP 15: U.S. Coast Guard Approved Bridges
NWP 18: Minor Discharges
NWP 19: Minor Dredging
NWP 20: Response Operations for Oil and Hazardous Substances
NWP 25: Structural Discharges
NWP 26: [Reserved]
NWP 29: Residential Developments
NWP 33: Temporary Construction, Access, and Dewatering
NWP 34: Cranberry Production Activities
NWP 36: Boat Ramps
NWP 37: Emergency Watershed Protection and Rehabilitation
NWP 39: Commercial and Institutional Developments
NWP 40: Agricultural Activities
NWP 41: Reshaping Existing Drainage Ditches
NWP 42: Recreational Facilities
NWP 43: Stormwater Management Facilities
NWP 45: Repair of Uplands Damaged by Discrete Events
NWP 46: Discharges in Ditches
NWP 47: [Reserved]
NWP 51: Land-Based Renewable Energy Generation Facilities
NWP A: Removal of Low-Head Dams
NWP B: Living Shorelines

- B. This suspension of the NWP's listed in Part I.A of this Special Public Notice is **not applicable** within the Commonwealth of Pennsylvania within the Baltimore and Philadelphia District's regulatory geographic boundaries for the following:

- a. Part III.A.5 of the PASPGP-5 lists certain ineligible waterways for which PASPGP authorization is not available. Therefore, consistent with the processes outlined in Part V.D of the PASPGP-5 (or its successor) and the NWP's, NWP authorization may be available for activities that include activities located channelward of the ordinary high water line (OHWL) on non-tidal waters and/or the mean high water line (MHWL) on tidal waters on the following water bodies in Pennsylvania):

1. The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania;

2. The Schuylkill River downstream of the Fairmount Dam in Philadelphia, Pennsylvania;
 3. All of the Ohio River;
 4. All of the Beaver River;
 5. All of the Little Beaver River;
 6. All of the Mahoning River;
 7. All of the Monongahela River;
 8. The Youghiogeny River, from its mouth at McKeesport, Pennsylvania to river mile 31.2 at Layton, Pennsylvania;
 9. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania;
 10. The Kiskiminetas River, from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania;
 11. Tenmile Creek, from its mouth at Millsboro, Pennsylvania to river mile 2.7; and
 12. Lake Erie activities which require submittal of a Pennsylvania Department of Environmental Protection (PADEP) Joint Permit Application (JPA) or Environmental Assessment (EA) to the PADEP. For Lake Erie, the OHWM is located at elevation 573.4.
- b. Activities whereby the regulated activity or area of indirect impact (secondary impact) is not wholly located within the Commonwealth of Pennsylvania, i.e. the regulated activity extends across state boundaries.
 - c. Activities within federally regulated waters and wetlands that are not regulated as waters of the Commonwealth of Pennsylvania may be eligible for verification under NWPs.
 - d. Activities performed by federal agencies that do not require authorization by the Commonwealth of Pennsylvania pursuant to 25 PA 105 et seq. may be eligible for verification under NWPs.

II. State of Maryland

A. The suspension of the NWPs listed in section II.B of this notice is **not applicable** within the State of Maryland in certain wetlands and other waters of the United States near the Chesapeake and Delaware Canal. These areas 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. These exempted areas fall within the U.S. Army Corps of Engineers (Corps) Philadelphia District's regulatory geographic boundaries. The Philadelphia District has restricted the use of NWP 12, NWP 35, and NWP 36 within these areas near the Chesapeake and Delaware Canal.

B. The following NWPs are proposed **to be suspended** in the State of Maryland:

NWP 1: Aids to Navigation

NWP 2: Structures in Artificial Canals

NWP 3: Maintenance (except for repair, rehabilitation, or replacement in-kind of any previously authorized, currently serviceable structure or fill destroyed or damaged by storms, floods, fires, or other discrete events)

NWP 5: Scientific Measurement Devices

NWP 6: Survey Activities

NWP 7: Outfall Structures and Associated Intake Structures
NWP 9: Structures in Fleeting and Anchorage Areas
NWP 10: Mooring Buoys
NWP 11: Temporary Recreational Structures
NWP 12: Utility Line Activities
NWP 13: Bank Stabilization
NWP 14: Linear Transportation Projects
NWP 15: U.S. Coast Guard Approved Bridges
NWP 16: Return Water from Upland Contained Disposal Areas
NWP 18: Minor Discharges
NWP 19: Minor Dredging
NWP 21: Surface Coal Mining Activities
NWP 24: Indian Tribe or State Administered Section 404 Programs
NWP 26: [Reserved]
NWP 28: Modifications of Existing Marinas
NWP 29: Residential Developments
NWP 33: Temporary Construction, Access and Dewatering
NWP 34: Cranberry Production Activities
NWP 35: Maintenance Dredging of Existing Basins
NWP 36: Boat Ramps
NWP 39: Commercial and Institutional Developments
NWP 40: Agricultural Activities
NWP 41: Reshaping Existing Drainage Ditches
NWP 42: Recreational Facilities
NWP 43: Stormwater Management Facilities
NWP 44: Mining Activities
NWP 45: Repair of Uplands Damaged by Discrete Events
NWP 46: Discharges in Ditches
NWP 47: [Reserved]
NWP 49: Coal Remining Activities
NWP 50: Underground Coal Mining Activities
NWP 51: Land-Based Renewable Energy Generation Facilities
NWP 52: Water-Based Renewable Energy Generation Pilot Projects (except for activities in tidal navigable waters of the United States)
NWP B: Living Shorelines

III. The NWPs are proposed to **not be suspended** in the District of Columbia and certain military installations of northern Virginia (i.e., Fort Belvoir, Fort Myer, and the Pentagon).

IV. Suspension will terminate the Corps' ability to verify any new projects under one of the suspended NWPs unless and until the Chief of Engineers or the appropriate District or Division Engineer makes a determination to the contrary pursuant to 33 C.F.R. § 330.4 or § 330.5.

For more information regarding the final regional conditions and the suspension of Nationwide Permits, contact Ms. Beth E. Bachur, CENAB-OP-R, at (410) 962-4336, or email at Beth.Bachur@usace.army.mil.