



# Public Notice

U.S. Army Corps  
of Engineers  
Baltimore District

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## Special Public Notice # 16-37

Baltimore District

Philadelphia District

Pittsburgh District

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### INITIAL PUBLIC NOTICE

#### NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On June 1, 2016, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the 50 existing nationwide permits (NWP) and issue two 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-2015-0017 at [www.regulations.gov](http://www.regulations.gov), or by email to [NWP2017@usace.army.mil](mailto:NWP2017@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 June 1, 2016 Federal Register notice. Comments on the proposed NWP are due by August 1, 2016.

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 important mechanisms to 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.

Enclosures for this public notice list the proposed NWP to be suspended by locality (Enclosure 1) and the regional conditions currently under consideration by the Corps Districts for Maryland (Enclosure 2), Pennsylvania (Enclosure 3), and the District of Columbia (Enclosure 4). The Baltimore District has implemented State Programmatic General Permits (SPGP) in the state of Maryland and in the Commonwealth of Pennsylvania. These SPGP are designed to continue to authorize certain activities

previously covered by the NWP program and institute a streamlined Corps regulatory process that has been integrated with the state processes. Suspension of various NWPs will avoid confusion over State Programmatic General Permit (SPGP) use and to eliminate redundancy since State and Federal regulatory programs are administered jointly in these states. Regional conditions are not proposed for specific NWPs activities that will be suspended in Maryland and Pennsylvania.

The Baltimore District is proposing to adopt the Norfolk District's regional conditions in certain military installations of northern Virginia within the regulatory geographic boundaries of the Baltimore District (i.e., Fort Belvoir, Fort Myer, and the Pentagon). Therefore, comments on the proposed NWPs and proposed regional conditions in the state of Virginia relating to those military installations in northern Virginia within the regulatory geographic boundaries of the Baltimore District, should be addressed to the Norfolk District at Regulatory Branch, Norfolk District, 803 Front Street Norfolk, VA 23508. Please see the Norfolk District website for more information on regional conditions proposed in the state of Virginia at: [www.nao.usace.army.mil/Media/PublicNotices.aspx](http://www.nao.usace.army.mil/Media/PublicNotices.aspx). The Baltimore District is proposing to adopt the Norfolk District's regional conditions in certain military installations of northern Virginia within the regulatory geographic boundaries of the Baltimore District (i.e., Fort Belvoir, Fort Myer, and the Pentagon). Please see the Norfolk District website for more information on regional conditions proposed in the state of Virginia at: [www.nao.usace.army.mil/Media/PublicNotices.aspx](http://www.nao.usace.army.mil/Media/PublicNotices.aspx). However, Baltimore District is not suspending NWPs 14 and 29 for use in Fort Belvoir, Fort Myer, or the Pentagon because the current State Program General Permit (SPGP-01) in Virginia is not applicable to these military installations. Therefore, the Baltimore District is proposing to add regional conditions to NWP 14 and 29. The regional conditions for NWP 14 and 29 proposed for use in Fort Belvoir, Fort Myer, and the Pentagon are the same as those proposed in the District of Columbia (see Enclosure 4). Comments on the proposed NWPs and regional conditions as proposed by the Norfolk District applicable in Virginia (including northern Virginia military installations within Baltimore District's area of responsibility) should be addressed to the Norfolk District, Regulatory Branch, 803 Front Street, Norfolk, Virginia 23510, Attn: Melissa Nash or to [Melissa.a.nash@usace.army.mil](mailto:Melissa.a.nash@usace.army.mil). In addition, comments concerning proposed NWP 14 and 29 and proposed regional conditions for NWP 14 and 29 applicable in Fort Belvoir, Fort Myer, and the Pentagon should be addressed to the Baltimore District at CENAB-OPR, 10 South Howard Street, Baltimore, Maryland 21201, Attn: Jack Dinne or to [john.j.dinne@usace.army.mil](mailto:john.j.dinne@usace.army.mil).

The Corps Districts are 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 NWPs are no more than minimal, individually and cumulatively. The proposed regional conditions for NWPs are listed separately by locality for Maryland, Pennsylvania, and the District of Columbia. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to U. S. Army Corps of Engineers, Baltimore District Regulatory Branch, CENAB-OP-R, 10 South Howard Street, Baltimore, Maryland 21201; U. S. Army Corps of Engineers, Pittsburgh District, 2200 William S. Moorhead Federal Building, 1000 Liberty Avenue, Suite 2200, Pittsburgh, Pennsylvania 15222; U.S. Army Corps of Engineers Philadelphia District, The Wanamaker Building, 100 Penn Square East,

Philadelphia, Pennsylvania 19107. Comments relating to proposed NWP suspensions and regional conditions are due by August 1, 2016. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

After the final NWPs are issued, the final regional conditions will be issued after they are approved by the Division Commander. After the final NWP are issued, States and Tribes will make their Clean Water Act Section 401 (401) water quality certification and States will make their Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 90 days of the Federal Register notice announcing the issuance of the NWPs. The final NWPs will go into effect on March 19, 2017.

Draft decision documents for each of the proposed NWPs, 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 NWPs with the requirements for issuance under the Corps general permit authority. These documents, as well as the proposed NWPs, are available for viewing at [www.regulations.gov](http://www.regulations.gov), docket number COE-2015-0017. Final decision documents will be prepared for the NWPs that are issued. In addition, the final national NWP decision documents will be supplemented by division engineers to address their decisions concerning regional conditions for the NWPs.

Below is an index of the proposed NWPs, conditions, and definitions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx> , at [www.regulations.gov](http://www.regulations.gov) in docket number COE-2015-0017, or at the Federal Register address at <https://www.gpo.gov/fdsys/pkg/FR-2016-06-01/pdf/2016-12083.pdf> .

FOR THE DISTRICT ENGINEER

Beth E. Bachur  
Acting Chief, Regulatory Branch

**Index of Proposed Nationwide Permits, Conditions, and Definitions**

***Nationwide Permits***

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
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23. Approved Categorical Exclusions
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28. Modifications of Existing Marinas
29. Residential Developments
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31. Maintenance of Existing Flood Control Facilities
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33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
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37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
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40. Agricultural Activities
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44. Mining Activities
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***Nationwide Permit General Conditions***

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2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Bird and Bald and Golden Eagle Permits
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

***District Engineer's Decision******Further Information******Definitions***

Best management practices (BMPs)  
Compensatory mitigation  
Currently serviceable  
Direct effects  
Discharge  
Enhancement  
Ephemeral stream  
Establishment (creation)  
High Tide Line  
Historic property  
Independent utility  
Indirect effects  
Intermittent stream  
Loss of waters of the United States  
Non-tidal wetland  
Open water  
Ordinary high water mark  
Perennial stream  
Practicable  
Pre-construction notification  
Preservation  
Re-establishment  
Rehabilitation  
Restoration  
Riffle and pool complex  
Riparian areas  
Shellfish seeding  
Single and complete linear project  
Single and complete non-linear project  
Stormwater management  
Stormwater management facilities  
Stream bed  
Stream channelization  
Structure  
Tidal wetland  
Vegetated shallows  
Waterbody