



Public Notice

In Reply Refer to CENAB-OP-RPA DATE: June 25, 2001

Special Public Notice #01-039

US Army Corps of Engineers

Baltimore District

Subject: Regional Conditions and Suspension of Nationwide Permits

On March 9, 2000, the U.S. Army Corps of Engineers (Corps) published five new Nationwide Permits (NWP) and the modification of six existing NWP in Part III of the *Federal Register*/Vol. 65, No. 47. They are:

NWP 3	Maintenance
NWP 7	Outfall Structures and Maintenance
NWP 12	Utility Line Activities
NWP 14	Linear Transportation Crossings
NWP 27	Stream and Wetland Restoration Activities
NWP 39	Residential, Commercial, and Industrial Developments
NWP 40	Agricultural Activities
NWP 41	Reshaping Existing Drainage Ditches
NWP 42	Recreational Facilities
NWP 43	Stormwater Management Facilities
NWP 44	Mining Activities

NWPs are developed at Corps Headquarters to authorize most activities that would result in minimal adverse environmental effects on the aquatic environment. However, the Corps determines whether the minimal effect test is met from a watershed perspective, and whether regional conditions are necessary to account for differences in aquatic resource functions and values across the country. The Corps developed regional conditions for the NWPs, which would be effective in Pennsylvania, Maryland, and the District Columbia, after coordination with the State and Federal Regulatory/Resource Agencies and the general public. The purpose of these regional conditions is to ensure that the NWPs authorize only those activities that result in minimal adverse effects on the aquatic environment, individually or cumulatively.

There are two types of regional conditions: Corps regional conditions and 401/CZM regional conditions. The 401/CZM regional conditions are developed by the State under Section 401 of the CWA and the Section 307 of the Coastal Zone Management Act and become regional conditions to the NWPs. The 401/CZM regional conditions are conditions of the NWPs.

On April 18, 2001 the Corps North Atlantic Division Engineer approved the Baltimore District's proposed regional conditions and suspension of some of the NWPs.

Nationwide Permits 3, 7, 12, 14, 27, 39, 40, and 42 will remain in effect in the District of Columbia. NWPs 41, 43, and 44 are suspended in the District of Columbia.

The Baltimore District has issued State Programmatic General Permits (SPGPs) to the Commonwealth of Pennsylvania and the State of Maryland. Because SPGPs are duplicative of some NWP's and offer a more simplified and streamlined regulatory process, the Corps has suspended all of the above mentioned NWP's, with the exception of NWP 27, in Pennsylvania and Maryland. If the SPGPs become void, enjoined, suspended, revoked, or removed from effect for any reason, the Corps will consider reissuance of some or all of the suspended NWP's for the purpose of efficiently and effectively protecting the aquatic environment, while maintaining an acceptable level of responsiveness to the regulated public. NWP's 3, 7, 12, 14, 27, and 40 will remain in effect in waterways that are ineligible for the PASPGP-2.

By issuance of Special Public Notice #96-25, dated November 15, 1996, the Corps has previously suspended some of its NWP's in the Commonwealth of Pennsylvania. Those suspensions will remain in effect. They are:

- NWP 3 Maintenance
- NWP 4 Fish & Wildlife Harvesting, Enhancement & Attraction Devices and Activities
- NWP 5 Scientific Measurement Devices
- NWP 7 Outfall Structures
- NWP 12 Utility Line Backfill and Bedding
- NWP 13 Bank Stabilization
- NWP 14 Road Crossing
- NWP 15 U. S. Coast Guard Approved Bridges
- NWP 18 Minor Discharges
- NWP 25 Structures Discharge
- NWP 26 Headwaters & Isolated Waters Discharges
- NWP 33 Temporary Construction, Access & Dewatering
- NWP 36 Boat Ramps
- NWP 37 Emergency Watershed Protection & Rehabilitation
- NWP 40 Farm Buildings

The suspension of the NWP's is not applicable in the following water bodies in Pennsylvania:

- a. All of the Delaware River,
- b. The Schuylkill River downstream of the confluence with Mill Creek at Port Carbon, Pennsylvania,
- c. The Lehigh River downstream from the State Route 940 Bridge,
- d. All of the Ohio River,
- e. All of the Beaver River,
- f. All of the Little Beaver River,
- g. All of the Mahoning River,
- h. All of the Monongahela River,
- i. The Youghiogheny River from its mouth at McKeesport, Pennsylvania to river mile 31.2 at West Newton, Pennsylvania,
- j. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania,

- k. The Kiskiminetas River from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania,
- l. Tenmile Creek from its mouth at Millsboro, Pennsylvania to river mile 2.7, and
- m. Activities within Lake Erie which require submittal of a Joint Permit Application or Environmental Assessment to the PADEP.

The following NWP's are **not** suspended in the commonwealth of Pennsylvania

- NWP 1 Aids to Navigation
- NWP 2 Structures in Artificial Canals
- NWP 6 Survey Activities
- NWP 8 Oil and Gas Structures
- NWP 9 Structures in Fleeting and Anchorage Areas
- NWP 10 Mooring Buoys
- NWP 11 Temporary Recreational Structures
- NWP 16 Return Water from Upland Contained Disposal Area
- NWP 17 Hydropower Projects
- NWP 19 Minor Dredging
- NWP 20 Oil Spill Cleanup
- NWP 21 Surface Coal Mining Activities
- NWP 22 Removal of Vessels
- NWP 23 Approved Categorical Exclusions
- NWP 24 State Administered Section 404 Program
- NWP 27 Wetland & Riparian Restoration Creation Activities
- NWP 28 Modifications of Existing Marinas
- NWP 29 Single Family Housing
- NWP 30 Moist Soil Management for Wildlife
- NWP 32 Completed Enforcement Actions
- NWP 34 Cranberry Production Activities
- NWP 35 Maintenance Dredging of Existing Basins
- NWP 38 Cleanup of Hazardous and Toxic Waste

By issuance of Special Public Notice #97-17, dated August 15, 1997, the Corps has previously suspended some of its NWP's in the State of Maryland. Those suspensions will remain in effect. They are:

- NWP 1 Aids to Navigation
- NWP 2 Structures in Artificial Canals
- NWP 3 Maintenance
- NWP 4 Fish & Wildlife Harvesting, Enhancement & Attraction Devices and Activities
- NWP 5 Scientific Measurement Devices
- NWP 6 Survey Activities
- NWP 7 Outfall Structures
- NWP 8 Oil and Gas Structures

- NWP 9 Structures in Fleeting and Anchorage Areas
- NWP 10 Mooring Buoys
- NWP 11 Temporary Recreational Structures
- NWP 12 Utility Line Discharges
- NWP 13 Bank Stabilization
- NWP 14 Road Crossings
- NWP 15 U.S. Coast Guard Approved Bridges
- NWP 16 Return Water from Upland Contained Disposal Area
- NWP 17 Hydropower Projects
- NWP 18 Minor Discharges
- NWP 19 Minor Dredging
- NWP 20 Oil Spill Cleanup
- NWP 21 Surface Coal Mining Activities
- NWP 22 Removal of Vessels
- NWP 25 Structural Discharges
- NWP 24 State Administered Section 404 Program
- NWP 26 Headwaters & Isolated waters Discharged
- NWP 28 Modifications of Existing Marinas
- NWP 29 Single Family Housing
- NWP 33 Temporary Construction, Access & Dewatering
- NWP 34 Cranberry Production Activities
- NWP 35 Maintenance Dredging of Existing Basins
- NWP 36 Boat Ramps
- NWP 38 Cleanup of Hazardous and Toxic Waste
- NWP 40 Farm Buildings

The Following NWPs are **not** suspended in the State of Maryland:

- NWP 23 Approved Categorical Exclusions
- NWP 27 Wetland & Riparian Restoration Creation Activities
- NWP 30 Moist Soil Management for Wildlife
- NWP 31 Maintenance of Existing Flood Control Facilities
- NWP 32 Completed Enforcement Actions
- NWP 37 Emergency Watershed Protection & Rehabilitation

The regional conditions for the new and modified NWPs can be reviewed on our homepage at <http://www.nab.usace.army.mil/permits/regionalconditions.htm>. If you wish to receive a copy of the regional conditions, please call Ms. Fraun Chamber of this office at (410) 962-5673.

For the District Engineer:

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Chief, Regulatory Branch

