



U.S. Army Corps  
of Engineers  
Baltimore District

# Public Notice

Date: August 19, 2022  
Special Public Notice # 22-27

**MODIFICATION TO BALTIMORE DISTRICT'S WATER QUALITY CERTIFICATION AND COASTAL ZONE MANAGEMENT ACT REGIONAL CONDITIONS IN THE STATE OF MARYLAND FOR 16 FINAL 2021 NATIONWIDE PERMITS 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58 (86 FR 2744)**

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The purpose of this special public notice is to inform the public of the modification to Baltimore District's final Section 401 Water Quality Certification and Section 307 Coastal Zone Management Act regional conditions in the State of Maryland for the 16 final 2021 Nationwide Permits published in the Federal Register (86 FR 2744) on January 13, 2021.

On April 4, 2022, prior to the April 6th Order of the Supreme Court in *Louisiana et al. v. American Rivers et al.*, the State of Maryland issued a modified Section 401 Water Quality Certification (WQC) (20-WQC-0050(R2)) in accordance with the Environmental Protection Agency's regulations at 40 CFR 121.2(b) and a modified Section 307 Coastal Zone Management Act (CZMA) consistency determination in accordance with 15 CFR 930 and 33 CFR 330.4(d)(7) for the 16 final 2021 Nationwide Permits (NWP) published in the Federal Register (86 FR 2744) on January 13, 2021 (NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52, 55, 56, 57, and 58). This modified WQC and CZMA consistency determination superseded the original WQC and CZMA decisions made by the State of Maryland on December 15, 2020, for those 16 final 2021 NWP.

The Baltimore District is announcing modifications to the Baltimore District's regional condition II.H for the 16 final 2021 NWP 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52 (activities in tidal navigable waters of the U.S.), 55, 56, 57, and 58 to incorporate the modified WQC and CZMA issued by the State of Maryland. Of these NWP, NWP 48, 55, and 56 are in effect within Maryland in the Baltimore District's area of responsibility. NWP 52 is in effect in tidal navigable waters of the U.S. in Maryland, but suspended in nontidal waters and wetlands. In the Baltimore District, NWP 12, 21, 29, 39, 40, 42, 43, 44, 50, 51, 57, and 58 are suspended in Maryland.

These modifications are necessary to provide efficient regulatory reviews and to further ensure that these 16 final 2021 NWP authorize only those activities with no more than minimal adverse environmental effects. All other regional conditions and suspensions for the 16 final 2021 NWP for the State of Maryland within the Baltimore District area of responsibility announced in [Special Public Notice #21-08](#) are still valid.

The Baltimore District has posted a complete copy of the final, modified regional conditions in the State of Maryland for the 16 final 2021 NWP at: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-MD/>.

For activities proposed within waters of the United States near and including the Chesapeake and Delaware Canal in Maryland, the applicant shall refer to the Philadelphia District's final 2021 NWP regional conditions, including modifications to incorporate the modified WQC and CZMA at:

<https://www.nap.usace.army.mil/Missions/Regulatory/Permits/NWP.aspx>

Questions regarding this matter should be directed to Ms. Beth E. Bachur by telephone at 410-962-4336 or by email at [beth.bachur@usace.army.mil](mailto:beth.bachur@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.