



Public Notice

U.S. Army Corps
of Engineers

Special Public Notice # SPN 21-16

Date: May 12, 2021

Baltimore District

Philadelphia District

Pittsburgh District

The purpose of this 15-day Public Notice is to request comments on whether to reinstate the 2017 and 2021 Nationwide Permits (NWP) previously suspended in parts of Pennsylvania (See Special Public Notices (SPN) 17-14 and 21-08). Comments are requested by May 27, 2021.

This Public Notice is issued jointly by the Baltimore, Philadelphia, and Pittsburgh Districts of the U.S. Army Corps of Engineers.

On July 1, 2016 the District Engineers for Baltimore, Philadelphia, and Pittsburgh Districts, issued the Pennsylvania State Programmatic General Permit - 5 (PASPGP-5) for a five-year period. The PASPGP-5 will expire on June 30, 2021, unless a decision is made to suspend, or revoke the permit before that date. The Corps districts have been working on development of a new Pennsylvania State Programmatic General Permit, PASPGP-6, and issued a draft of the permit for public comment on September 4, 2020 (SPN 20-57). The goal is to have PASPGP-6 issued prior to July 1, 2021, however if issuance is delayed, the Corps is considering reinstatement of the previously suspended NWPs. With the PASPGP-5 expiring on June 30, 2021, and most of the referenced NWPs suspended in Pennsylvania, any delay in issuance of the PASPGP-6 would require most regulated activities to be authorized through a Department of the Army Standard Individual Permit. Reinstatement of the NWPs would allow for proposed regulated activities to be authorized by an applicable NWP, instead of the Standard Individual Permit process, provided the work complies with the terms and conditions of the NWPs.

The proposal would specifically reinstate the following 2017 NWPs:

- 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 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 33: Temporary Construction, Access, and Dewatering

NWP 34: Cranberry Production Activities
NWP 36: Boat Ramps
NWP 37: Emergency Watershed Protection and Rehabilitation
NWP 41: Reshaping Existing Drainage Ditches
NWP 45: Repair of Uplands Damaged by Discrete Events
NWP 46: Discharges in Ditches
NWP 47: [Reserved]
NWP 53: Removal of Low-Head Dams
NWP 54: Living Shorelines

The proposal would specifically reinstate the following 2021 NWPs:

NWP 12: Oil or Natural Gas Pipeline Activities
NWP 29: Residential Developments
NWP 39: Commercial and Institutional Developments
NWP 40: Agricultural Activities
NWP 42: Recreational Facilities
NWP 43: Stormwater Management Facilities
NWP 51: Land-Based Renewable Energy Generation Facilities
NWP 57: Electric Utility Line and Telecommunications Activities
NWP 58: Utility Line Activities for Water and Other Substances

Note: These nine 2021 NWPs are NOT currently suspended in the Pittsburgh District

If a decision is made to reinstate any or all of the above NWPs, the NWPs would be subject to the regional conditions identified in the applicable previously issued Public Notices; Special Public Notices 17-14 and 21-08.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Federally recognized Native American Nations; and other interested parties in order to consider and evaluate the impacts of the proposal to reinstate the referenced NWPs. Any comments received will be considered by the Corps of Engineers to determine whether to reinstate any or all of the NWPs. Comments will also be used to determine if the proposal is in the public interest.

It is requested that you communicate the foregoing information to any persons known by you to be interested and not being known to this office who did not receive a copy of this notice.

Questions may be directed to Mr. Wade B. Chandler, Chief, Pennsylvania Section, U.S. Army Corps of Engineers, State College Field Office, 1631 South Atherton Street, State College, Pennsylvania, 16801, by telephone (814) 235-0572, or by email: Wade.B.Chandler@usace.army.mil.

Comments and/or hearing requests may be directed to the following email address: NAB-Regulatory@usace.army.mil with a subject line of “Pennsylvania NWP Reinstatement”, or mailed to U.S. Army Corps of Engineers, Baltimore District, 1631 South Atherton Street, State College, Pennsylvania 16801.

This public notice is issued by the Chief, Regulatory Branch, Baltimore District, for and on behalf of the Pittsburgh, Philadelphia, and Baltimore Districts.