

APPENDIX 6
REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS IN
THE STATE OF MARYLAND
(EXCLUDING THOSE WATERS OF THE CHESAPEAKE AND DELAWARE CANAL
WITHIN PHILADELPHIA DISTRICT'S AREA OF RESPONSIBILITY)

I. Regional Conditions Applicable to Specific Nationwide Permits within the State of Maryland:

A. Nationwide Permit 3 Maintenance:

Prior to commencing an activity, the permittee must submit a Pre-Construction Notification (PCN) to the District Engineer, for that portion of paragraph (a) of Nationwide Permit (NWP) 3 applicable to the 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 in the following circumstance:

The permittee must submit a PCN to the District Engineer (see NWP General Condition 32 and Regional General Condition 32) for all tide gate replacements where a self-regulating tide gate is not being proposed. Self-regulating tide gates should be designed to allow for unconstricted tidal flow and fish passage but can be set to close at a specified water level. For projects not proposing the use of self-regulating tide gates, the applicant shall demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates and shall also provide documentation on the presence or absence of emergent tidal wetlands upstream of the proposed structure. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

B. Nationwide Permit 23 Approved Categorical Exclusions:

Prior to doing the work, the permittee shall submit a Pre-Construction Notification to the District Engineer. (See NWP General Condition 32 and Regional General Condition 32).

C. Nationwide Permit 27 Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities

1. Prior to doing the work, the permittee shall submit a Pre-Construction Notification (PCN) to the District Engineer (see NWP General Condition 32 and Regional General Condition 32).

2. Any activity involving shellfish seeding, such as the placement of shell material or any other habitat development or enhancement, is restricted to shellfish species that are native to that waterbody.

3. For activities in all tidal waters, tidal wetlands, and perennial and intermittent

nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the PCN and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

4. For activities involving impacts greater than 10,000 square feet of aquatic estuarine habitat within mesohaline waters (i.e., salinity 5-18 parts per thousand) of the mid and upper Chesapeake Bay, the PCN shall include information concerning the distribution of horned pondweed (*Zannichellia palustris*) within the project site. Distribution information of horned pondweed shall include a recent ground-truth survey of the area during the period May 1 through June 15. Horned pondweed is less prevalent or does not occur in the tidal waters of the Maryland Atlantic Coastal Bays and upstream of the geographical exclusion lines shown on *Figure 1 – 2026 Nationwide Permits (NWP) Low Salinity Waters of the Chesapeake Bay in Maryland*. Therefore, documentation regarding the presence or proximity of horned pondweed is not required in these areas. See NWP General Condition 32(b)(5) for additional information on delineation of special aquatic sites, including submerged aquatic vegetation. The applicant may request the Corps conduct surveys for horned pondweed; however, this may result in significant delays in review timeframes.

5. The full suite of aquatic habitat functions and services must be considered when determining whether the net gains in aquatic resource functions and services required by this NWP will occur. When conducting these evaluations to determine NWP eligibility, there should not be a focus on a specific aquatic resource function, or the ecological service(s) produced from that aquatic resource function. To assist the Corps in making these determinations, prospective permittees considering such activities should provide supporting information in their NWP 27 PCNs to demonstrate net increases in aquatic resource functions and services. Prospective permittees should consider using a Corps-accepted before-and-after functional or conditional assessment protocol to demonstrate project net gains in aquatic resources and services has been achieved.

D. Nationwide Permit 30 Moist Soil Management for Wildlife:

Prior to doing the work, the permittee must submit a Pre-Construction Notification to the District Engineer (see NWP General Condition 32 and Regional General Conditions 32)

E. Nationwide Permit 38 Cleanup of Hazardous and Toxic Waste:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the Pre-Construction Notification and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

F. Nationwide Permit 48 Commercial Shellfish Mariculture Activities:

1. This Nationwide Permit (NWP) **does not** authorize work where:

a. Work or activities are proposed to extend into anchorage areas; customary boating channels; navigation fairways; marked, lighted, or charted channels; or State or Federal Navigation Channels.

b. Work or activities are proposed that adversely affect ingress to and egress from neighboring properties or other areas.

c. Predator control devices (i.e., mesh fences, mesh nets, mesh tents) are proposed to be suspended or erected vertically or obliquely in the water column, or used to surround or enclose shellfish/containment gear. This condition does not preclude the use of cages for shellfish containment.

2. The prospective permittee must submit a Pre-construction Notification (PCN) to the District Engineer using the Joint State/Federal Application for a Commercial Shellfish Aquaculture Lease and Federal Permit

(<https://dnr.maryland.gov/fisheries/Documents/Commercial-Shellfish-Lease-Application.pdf> and <https://dnr.maryland.gov/fisheries/Documents/Shellfish-Lease-Application-Instructions.pdf>) when:

a. The project does not have a valid authorization from the Corps in effect as of March 15, 2021. Note: A PCN is not required for “shell on bottom” projects approved by the Maryland Department of Natural Resources (MDNR) prior to July 1, 2009; and

b. The activity involves any change in the mariculture type (bottom culture, floating structures, or structures suspended in the water column) from what was previously authorized by the Corps.

3. For activities within areas designated as anadromous fish spawning habitat in the Maryland Coastal Atlas (<https://gisapps.dnr.state.md.us/coastalatlus/WAB2>), the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service (NMFS) – Habitat and Ecosystem Services Division.

4. In addition to the information required by NWP 48, NWP General Conditions and Regional General Condition 32, the PCN must include the following information, also published, and provided on the District’s web site (see *Commercial Shellfish Aquaculture*):

a. Legible project vicinity map (black line on white background), to scale, and depicting the footprint of the project area relative to prominent land/water geographic features, including approximate latitude/longitude coordinates of the project footprint.

b. Legible overview plans (black line on white background), to scale (100’:1”, or 50’:1”), depicting the entire project footprint and adjacent waters overlaid on composite mapping of the 5 most recent years of submerged aquatic vegetation (SAV) data (derived

from the Virginia Institute of Marine Science (VIMS) aerial surveys), and showing local water depths (bathymetry) of the project area, and other important ecological features of the site (e.g., native tidal marsh) that may be affected by project activities. VIMS SAV data is located at <https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <https://mobjack.vims.edu/sav/savwabmap>.

- c. Detailed project description, with the following information:
 - i. Description of proposed activities, including site preparation and harvest activities (e.g., dredging, harrowing and dragging of bottom substrate, tonging), and a description of how structures and vertical and horizontal lines would be arranged throughout the project area, spacing of rows and spacing between structures;
 - ii. Types of mariculture gear to be used, including anchoring devices, maximum number of vertical and horizontal lines, and buoys;
 - iii. Acreage of project footprint affecting bottom and water column;
 - iv. Impacts (temporary and/or permanent) to aquatic areas required for access to the aquaculture facility/gear, and remedial measures proposed to restore temporarily affected aquatic areas;
 - v. Substrate type of bottom affected by proposed activities (particularly for on-bottom activities) (e.g., soft sand, hard sand, mud, shell.).
 - d. Statement explaining in detail how the proposed work will not interfere with general navigation in the area of the proposed work and will not hinder or adversely affect ingress to or egress from neighboring properties or other areas.
 - e. Cross-sectional view of proposed aquaculture structures and all associated apparatus that represents the proposed operations of the activity (on-bottom, suspended, or floating).
5. The total number of vertical and horizontal lines must be minimized to the maximum extent practicable.

Note: The Maryland Department of Natural Resources will forward the Joint Application to the Corps on behalf of the applicant, or the applicant may submit the application directly to the Corps. The Corps' review period shall commence with the receipt of a completed PCN at the Corps' District Office.

6. Prior to doing the work, the permittee shall submit a Pre-Construction Notification to the District Engineer for new aquaculture leases proposed within 50 feet of mapped SAV utilizing composite mapping of the five (5) most recent years of verified SAV data derived from the Virginia Institute of Marine Science (VIMS) aerial surveys located at <https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <https://mobjack.vims.edu/sav/savwabmap>. Locations of SAV otherwise identified from

actual on-site SAV surveys conducted during the growing season can be used to supplement VIMS data. When a PCN is required, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division. (See NWP General Condition 32 and Regional General Condition 32).

7. To protect navigation during daylight, lowlight, and nighttime conditions, the perimeter of the lease site and authorized structures shall be marked in accordance with the United States Coast Guard requirements. The prospective permittee shall contact the United States Coast Guard at the following address to determine marking requirements and shall comply with such requirements as directed by the United States Coast Guard: Commander (oan), Coast Guard East District, 431 Crawford Street, Portsmouth, VA 23704; and no gear shall be installed prior to receiving official authorization.

G. Nationwide Permit 52 Water-Based Renewable Energy Generation Pilot Projects:

1. The PCN must include the estimated life span of the proposed pilot project and a description of maintenance and planned decommissioning activities that will require a Department of the Army permit.

2. For activities in all tidal waters, tidal wetlands, nontidal coastal plain streams within the State of Maryland, and all nontidal Piedmont streams in Harford and Cecil Counties, Maryland, the Corps of Engineers will coordinate review of the PCN and an essential fish habitat (EFH) assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

H. Nationwide Permit 53 Removal of Low-Head Dams:

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the Pre-Construction Notification and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

I. Nationwide Permit 55 Seaweed Mariculture Activities:

1. For all activities, the Corps of Engineers will coordinate review of the Pre- Construction Notification and an EFH assessment with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. This Nationwide Permit (NWP) **does not** authorize work where:

a. Work or activities are proposed to extend into anchorage areas; customary boating channels; navigation fairways; marked, lighted, or charted channels; or State or Federal Navigation Channels.

b. Work or activities are proposed that adversely affect ingress to and egress from neighboring properties or other areas.

c. Predator control devices (i.e., mesh fences, mesh nets, mesh tents) are proposed to be suspended or erected vertically or obliquely in the water column or used to surround or enclose mariculture/containment gear.

3. In addition to the information required by paragraph (b) of the NWP General Condition 32 and the activity-specific pre-construction notification requirements, the PCN must also include the following information:

a. A description of the quantity and dimensions of all proposed structure(s), including culture gear (lines, cages, pens, etc.), anchors, and site markers;

b. A location map including the longitude and latitude of site boundaries;

c. A schematic or drawing showing how the gear will be deployed on the site;

d. Bottom characteristics and benthic species present (e.g., shellfish, submerged aquatic vegetation) in the project area(s). (See: <https://gisapps.dnr.state.md.us/coastalatlus/WAB2/>, <https://www.vims.edu/research/units/programs/sav/access/maps/index.php>, and <https://mobjack.vims.edu/sav/savwabmap>. SAV boundaries shall be defined utilizing composite mapping of the five (5) most recent years of verified SAV data derived from the Virginia Institute of Marine Science aerial surveys located at <https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <https://mobjack.vims.edu/sav/savwabmap>. Locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season can be used to supplement VIMS data.

J. Nationwide Permit A. Activities to Improve Passage of Fish and Other Aquatic Organisms:

1. Prior to doing the work, the permittee shall submit a Pre-Construction Notification (PCN) to the District Engineer (see NWP General Condition 32 and Regional General Condition 32).

2. For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, the District Engineer will coordinate review of the PCN and, where applicable, an essential fish habitat assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

II. Regional Conditions Applicable to All 2026 Nationwide Permits within the State of Maryland Unless Otherwise Stated:

Note: To qualify for NWP authorization, the prospective permittee must comply with the following regional general conditions, as applicable, in addition to any specific NWP regional conditions identified above in Section I, the general conditions found in the reissuance and modification of the NWPs published in the *Federal Register* on January 8, 2026 (91 FR 768), and any activity-specific verification conditions imposed by the District Engineer.

A. Nationwide Permit Regional General Condition #2 Aquatic Life Movement:

1. **Anadromous Fish Time-of-Year Restriction:** This condition applies to NWPs: 3a, 22, 23, 25, 27, 37, 38, 53, 55 and 60.

To ensure that authorized activities do not impact spawning habitat or a migratory pathway for anadromous fish, work is prohibited during February 15 to June 15 each year to protect sensitive life stages of anadromous fish in all tidal and perennial and intermittent nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland, unless specifically waived by the District Engineer in consultation with National Marine Fisheries Service - Habitat and Ecosystem Services Division.

Anadromous fish spawning habitat in perennial streams can be described as follows: "Potential spawning habitat includes all perennial nontidal coastal plain streams within the State of Maryland, and all perennial and intermittent piedmont streams in Harford and Cecil Counties, Maryland. Spawning habitat should be determined using the Maryland Non-Tidal Anadromous Fish Spawning Site Map (<https://experience.arcgis.com/template/8b13df5918be4e288fb3439a2afc3153>), where spawning tributaries are designated as either "mainstem" or "unimpeded".

Should this mapping tool be unavailable, spawning habitat should be determined using the Chesapeake Fish Passage Prioritization Mapper (<https://www.maps.tnc.org/chesfpp/#/explore>), where spawning tributaries are designated as either "current" or "potential current" habitat using the Alewife Habitat layer (See "Add Other Layers")."

2. Culverted Road Crossings:

All culverted road crossings of perennial and intermittent streams must meet the below culvert depression criteria, or a Pre-Construction Notification (PCN) is required to be submitted to the District Engineer for review. Extensions, repairs, or maintenance of existing culverts that are not depressed below the stream bottom do not require a PCN.

a. Culverts measuring greater than 36 inches in diameter must be depressed 12 inches below the stream bottom; or

b. Culverts measuring 36 inches or less in diameter must be depressed 6 inches

below the stream bottom.

c. If depression of the culvert is not practicable in accordance with this depression criteria, the applicant must submit a Pre-Construction Notification, including a narrative documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. Within anadromous fish use areas, the Corps shall provide a copy of the PCN, including supporting documentation, to the National Marine Fisheries Service – Habitat and Ecosystem Services Division for any culvert which cannot be depressed as outlined in this Regional General Condition 2, *Aquatic Life Movements*. Anadromous fish use areas include tidal and perennial and intermittent nontidal coastal plain streams within the State of Maryland and all perennial and intermittent piedmont streams in Harford and Cecil County, Maryland. The applicant may find it helpful to contact National Marine Fisheries Service for recommendations about the measures to be taken to allow for fish passage.

B. Nationwide Permit Regional General Condition #18 Endangered Species:

1. **For United States Fish and Wildlife Service (FWS) ESA species:** All permittees must use the FWS Chesapeake Bay Field Office Project Review website (<https://www.fws.gov/office/chesapeake-bay-ecological-services/project-review>) and the Information for Planning and Consultation (IPaC) tool (<https://ecos.fws.gov/ipac/>) to determine if any federally listed species or designated critical habitat may be present in the proposed project area. A complete application must contain a FWS Official Species List and a completed Determination Key, if applicable, tailored for the proposed project area with the PCN. An Official Species List is considered valid for 90 days.

2. **Interactions with NMFS Federally Threatened or Endangered Species:** Any interaction between sturgeon, sea turtles, or any species listed now or in the future under federal law as a threatened or endangered species (“listed species”) and the vessels associated with the project must be reported to the National Marine Fisheries Service – Protected Resource Division as follows:

a. If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the NMFS Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery;

b. If the animal requires assistance, the call to the hotline must be made immediately;

c. If the animal appears to be injured (i.e., bleeding, gasping for air, etc.) or dead,

the permittee or its representative must also immediately call the hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify District Engineer of all communications and coordination with the NMFS within two calendar days. Additional information about any federally threatened or endangered species may be obtained online at

<https://www.greateratlantic.fisheries.noaa.gov/protected/section7/index.html>. An

interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

3. **Vessel Buffer:** When listed species are sighted, vessels must attempt to maintain a distance of 50 yards (150 feet) or greater between the animal and the vessel whenever possible. State and federal regulations prohibit approaching a right whale within a 500-yard (1,500 foot) buffer zone. Any vessel finding itself within the 500-yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100 yards (300 feet) of the animal must be avoided. Dredge vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported as described above in condition #2, *Interactions with NMFS Federally Threatened or Endangered Species*.

4. **Conditions for Pile Driving Activities Applicable Within Tidal Waters of the Chesapeake Bay in Maryland:**

a. A Pre-Construction Notification (PCN) must be submitted to District Engineer if one of the following conditions cannot be met:

i. Plastic or concrete piles must be less than 12 inches in diameter when a cushioned impact hammer or vibratory hammer is utilized for installation.

ii. Timber piles must be 12 inches or less in diameter when a vibratory hammer is utilized for installation.

iii. Vinyl or timber sheet piles must be 24 inches or less in width, as measured from the outer edge of corrugation to the inner edge of corrugation, when a cushioned impact hammer or vibratory hammer is used.

iv. Pile driving activities are located within freshwater tributaries or within tidal or nontidal wetlands.

v. Piles of any size/type with any hammer method must be installed behind diversion structures or in the dry when the tide is out in the intertidal zone.

vi. Piles of any size/type with any hammer method must be installed between

November 30 and March 15.

b. Pile driving must be initiated with a soft start each day of pile driving, building up power slowly from a low energy start-up over a 20-minute period to allow fish and other wildlife to leave the area.

5. Sediment Disturbing Activities Time-of-Year Restriction: Within all tidal Waters of the Chesapeake Bay and its tidal tributaries in Maryland with salinity levels <6 parts per thousand, sediment disturbing activities, including pile driving activities, are prohibited during the period April 1 through June 30 for the protection of shortnose sturgeon during early life stages in these waters unless a waiver is received from the District Engineer (see attached Figure 1).

6. Critical Habitat: Any work proposed in designated or proposed critical habitat requires a Pre-Construction Notification (PCN) to the Corps. Current designated Critical Habitat within the State of Maryland includes:

a. Potomac River from the mouth of the Chesapeake Bay to the Little Falls Dam, including Brenton Bay and St. Clements Bay

b. Nanticoke River from the mouth of the Chesapeake Bay to the Route 313 bridge, and

c. Marshyhope Creek from the confluence with the Nanticoke River to the Route 318 bridge.

C. Nationwide Permit Regional General Condition #22 Designated Critical Resource Waters:

Within the State of Maryland, the designated National Estuarine Research Reserves applicable to NWP Regional Condition #22 are:

1. Jug Bay
2. Otter Point Creek
3. Monie Bay

D. Nationwide Permit Regional General Condition #32 Pre-Construction Notification:

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 32, *Pre-Construction Notification*. These regional general conditions are applicable to all NWPs where a PCN is submitted to the District Engineer. This includes the following: (a) those NWPs that require a PCN, (b) those NWPs requiring notification to the District Engineer pursuant to NWP General Conditions

18 and 22, (c) those NWP's requiring notification to the District Engineer pursuant to a regional condition, and (d) any other pre-construction notifications to the District Engineer where an applicant has requested verification of an NWP authorization.

1. A PCN shall be submitted to the Baltimore District Corps of Engineers for proposed construction and modification of docks, piers, and other structures that will occur along and/or within 150 feet of the horizontal limits of a federally authorized channel within the Baltimore District Civil Works Boundary as identified by:

<https://www.nab.usace.army.mil/Missions/Civil-Works/Nav-Maps/>. In addition, a PCN is required for the replacement of previously authorized, currently serviceable structures located along federally authorized channels that are destroyed by an act of nature or sudden event. As part of any PCN adjacent to a federally authorized channel, the permittee must provide the latitude and longitude of the channelward most point of the proposed structure.

2. **Waters Containing Submerged Aquatic Vegetation (SAV) Beds:** A PCN is required for all activities proposed within 50 feet of mapped SAV utilizing composite mapping of the five (5) most recent years of verified SAV data derived from the Virginia Institute of Marine Science aerial surveys located at <https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <https://mobjack.vims.edu/sav/savwabmap>. Locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season can be used to supplement VIMS data. When a PCN is required, the District Engineer will provide a copy of the complete PCN to the National Marine Fisheries Service-Habitat and Ecosystem Services Division (NMFS) for all activities proposed within 50 feet of mapped SAV or locations of SAV otherwise identified from actual on-site SAV surveys conducted during the growing season. The SAV survey period in Maryland is defined as May 15 - June 15 for *Zannichellia* and July 15 - Sept 15 for all other species. The PCN shall include plans depicting the entire project footprint and adjacent waters overlaid on composite mapping of the five (5) most recent years of verified SAV data (derived from the Virginia Institute of Marine Science (VIMS) aerial surveys or locations of SAV otherwise identified from actual SAV surveys conducted during the growing season). Additional avoidance and minimization measures, such as relocating a structure, or time-of-year restrictions (April 15 – October 15) may be required to reduce impacts to SAV habitat. The Virginia Institute of Marine Science aerial surveys may be obtained at <https://www.vims.edu/research/units/programs/sav/access/maps/index.php> and <https://mobjack.vims.edu/sav/savwabmap>.

3. A PCN shall be submitted to the Baltimore District Corps of Engineers for all activities proposed outside of state waters on the Atlantic coastal shelf. When a PCN is required, the District Engineer will provide a copy of the complete PCN to the National Marine Fisheries Service-Habitat and Ecosystem Services Division (NMFS). The location and extent of state waters can be determined using the following link: <https://dnr.geodata.md.gov/CoastalAtlas/>.

4. A PCN is required for mechanical dredging activities where the total dredged area exceeds 1,500 square feet and/or the total dredging volume exceeds 100 cubic yards of material, when the activity is (1) proposed within 1500 feet of mapped SAV (as described in Regional General Condition 32.2) and (2) conducted during the SAV growing season (April 15-October 15). When a PCN is required, the District Engineer will provide a copy of the complete PCN to the National Marine Fisheries Service-Habitat and Ecosystem Services Division (NMFS).

5. All PCNs to the District Engineer shall be completed using the established Corps of Engineers permit application procedures for that locality (see <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-MD/>). All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the nationwide permit conditions, including NWP General Condition 32:

a. For projects along and/or within 150 feet of the horizontal limits of a federally authorized channel, the location and depth of any federal navigation channel shall be shown in relation to the proposed project.

b. An official species list from FWS and other applicable documentation concerning any federally listed Threatened and Endangered Species that may be present in the project action area such as an effects determination, a completed Determination Key or written correspondence with FWS. Completion of the required screening identified in Regional General Condition 18 and submission of the documents required by the PCN serves as compliance with this condition.

c. Copy of response from the State Historic Preservation Officer concerning historic properties that may be affected by the proposed activity.

d. Documentation from the appropriate state agency indicating whether the proposed project is located within a State Natural Heritage site (Maryland Department of Natural Resources), Outstanding National Resource Water (Maryland Department of the Environment), or National Estuarine Research Reserve (<https://coast.noaa.gov/nerrs/>). For further information, reference NWP General Condition 22.

E. Nationwide Permit Regional General Conditions A for Certain Activities in Navigable Waters:

1. The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

Nominal System Voltage (kV)	Minimum additional clearance (ft.) above clearance required for bridges
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. The PCN for aerial transmission lines over navigable waters must include the nominal system voltage and the additional clearance above low steel for bridges, if available, or above maximum high water elevation;

b. Corps of Engineer regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both this regional condition and ER 1110-2-4401 apply, the greater minimum clearance is required;

c. Clearances for communication lines, stream gaging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer;

d. All proposed work shall comply with the most current version of the Baltimore District's setback guidance on the Baltimore District Regulatory website at <http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>.

2. Within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a navigable water of the United States (i.e., Section 10 waters), the permittee shall furnish the District Engineer and the National Oceanic and Atmospheric Administration, Nautical Data Branch, N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, Maryland, 20910, with professional, certified as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the mean high water line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the navigable waterway.

3. Aids to Navigation: If the Corps or the United States Coast Guard determine that private aids to navigation are required to mark the project area, the permittee must prepare and provide for USCG approval using a Private Aids to Navigation Application (CG-2554). Approval from the Coast Guard for the Private Aid to Navigation must be received prior to commencement of the authorized work. The form can be found at https://www.navcen.uscg.gov/pdf/AIS/CG_2554_Paton.pdf. Within 30 days of the date of

receipt of the USCG approval, the permittee must provide a copy to the Corps.

F. Nationwide Permit Regional General Condition B *Poured Concrete into Forms*:

Activities that involve the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set. Any washwater or waters otherwise in contact with uncured concrete should not be allowed to be discharged or otherwise contact surface waters.

G. Nationwide Permit Regional General Condition C *Temporary Impacts to Streams*:

Following completion of construction, temporarily affected stream beds and banks shall have contours restored using clean, native materials, where practicable.

H. Section 401 Water Quality Certification Conditions:

The conditions of the Maryland Department of the Environment's Clean Water Act Section 401 water quality certification (WQC) dated December 18, 2025, for activities authorized under NWPs 7, 27, 43, 53 and 54 (see Appendix A) are incorporated herein as regional conditions. If the permittee cannot comply with all the conditions of this WQC, then the permittee must obtain an individual Section 401 WQC or waiver thereof for any of these NWPs that may result in a discharge into waters of the United States.

I. Coastal Zone Management Act Consistency Determination Conditions:

The Maryland Department of Environment concurred that the Nationwide Permits issued on January 8, 2026 (91 FR 768) and Maryland Regional Conditions finalized herein are consistent with the Maryland's Coastal Zone Consistency Program's enforceable policies subject to the conditions of the Maryland Department of the Environment's coastal zone management consistency concurrence herein attached in Appendix B for NWPs 7, 27, 43 and 53. If a permittee cannot comply with all of the conditions of this coastal zone management consistency concurrence, then the applicant must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by any of these Nationwide Permits.

SPECIAL NOTES:

As required, the District Engineer shall coordinate a PCN with the following federal and state agencies.

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

State Historic Preservation Officer Maryland Historical Trust
Division of Historical & Cultural Programs
100 Community Place
Crownsville, Maryland 21032-2023

United States Department of the Interior Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

NOAA/National Marine Fisheries Service Habitat and Ecosystem Services Division
200 Harry S. Truman Pkwy
Ste 460
Annapolis, Maryland 21401
<https://www.fisheries.noa.gov/contact/greater-atlantic-region-habitat-and-ecosystem-services-division>

NOAA Fisheries Greater Atlantic Regional Fisheries Office Protected Resources Division
55 Great Republic Drive
Gloucester, Massachusetts 01930
nmfs.gar.esa.section7@noaa.gov

Maryland Department of the Environment Water Resources Administration Wetlands and
Waterways Program
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Maryland Department of Natural Resources Environmental Review
B-3
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

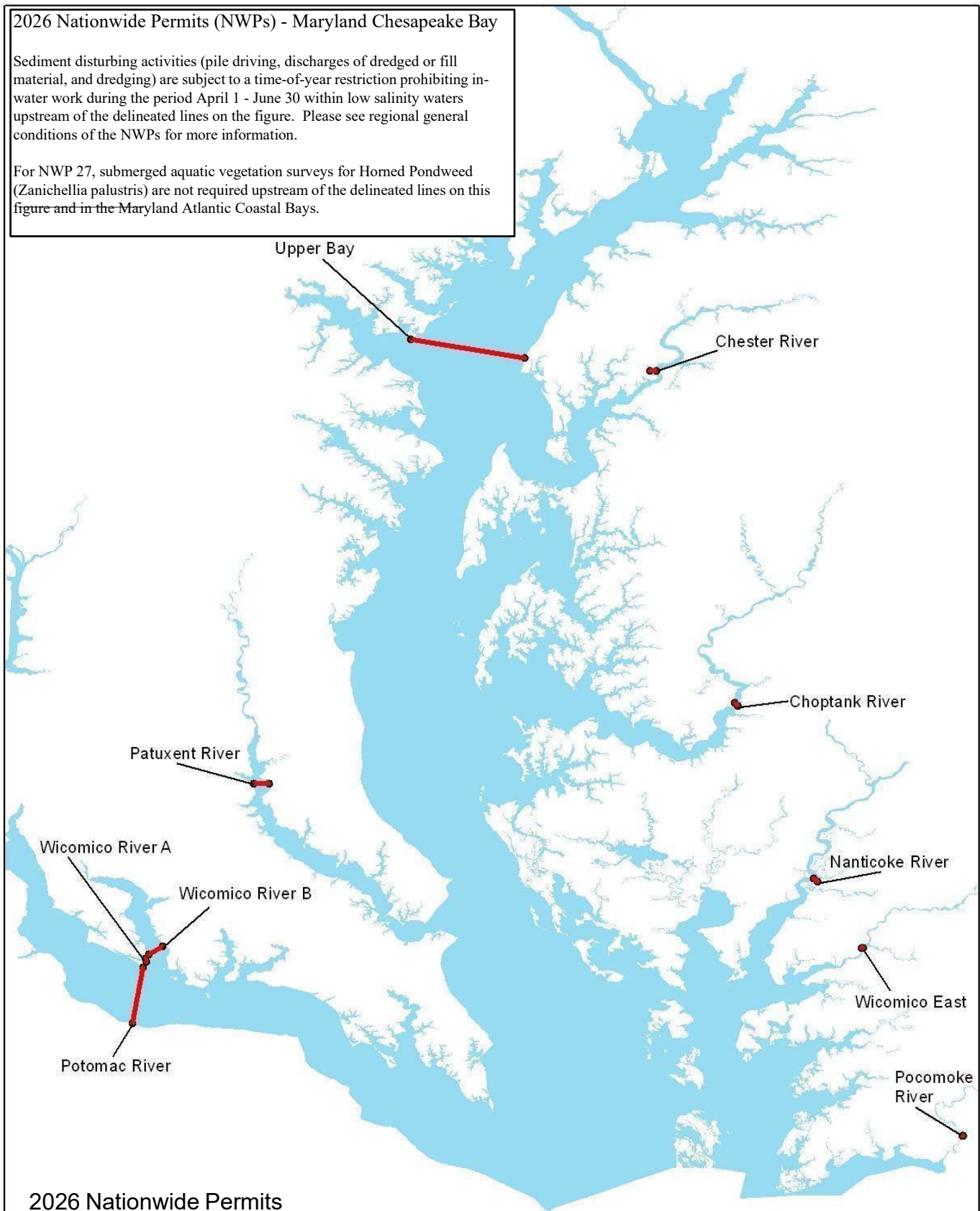
Natural Resources Conservation Service – USDA: local service centers
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/md/contact/local/#Baltimore>

Figure 1 - Low Salinity (<6 ppt) Waters of the Chesapeake Bay in Maryland Site

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Sediment disturbing activities (pile driving, discharges of dredged or fill material, and dredging) are subject to a time-of-year restriction prohibiting in-water work during the period April 1 - June 30 within low salinity waters upstream of the delineated lines on the figure. Please see regional general conditions of the NWP for more information.

For NWP 27, submerged aquatic vegetation surveys for Horned Pondweed (*Zanichellia palustris*) are not required upstream of the delineated lines on this figure and in the Maryland Atlantic Coastal Bays.



2026 Nationwide Permits
Baltimore District
U.S. Army Corps of Engineers