

**Norfolk District Final Regional Conditions (RC) for the  
2026 Nationwide Permits (NWPs) Applicable in Virginia  
(Including Northern Virginia Military Installations within Baltimore  
District's Area of Responsibility and South Holston Lake within  
Nashville District)**

**I. REGIONAL CONDITIONS APPLICABLE TO ALL NWPS UNLESS OTHERWISE  
STATED:**

**RC 1. Waters Containing Submerged Aquatic Vegetation (SAV) Beds:**

This condition applies to: NWPs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 45, 48, 52, 53, 54, 55, 57, 58 and 60.

A pre-construction notification (PCN) is required if work will occur in areas that contain submerged aquatic vegetation (SAV). Information about SAV habitat can be found at the Virginia Institute of Marine Science's website:

<http://mobjack.vims.edu/sav/savwabmap/>. Additional avoidance and minimization measures, such as relocating, realigning, or extending a structure or time-of-year restrictions (TOYR), may be required to avoid or reduce impacts to SAV habitat.

**RC 2. Anadromous Fish Use Areas:**

Authorizations associated with the NWPs shall not adversely affect spawning habitat or a migratory pathway for anadromous fish. Areas of anadromous fish use are indicated on the Virginia Department of Wildlife Resources (DWR) information system at <https://services.dwr.virginia.gov/fwis/>. If a project is located within an area documented as an anadromous fish use area (confirmed or potential), all in-stream work is prohibited from occurring between February 15 through June 30 of any given year or other time of year restriction (TOYR) specified by NOAA Fisheries Service. Should the Norfolk District determine that the work is minimal and no TOYR is needed, the District will initiate consultation with NOAA Fisheries Service for their concurrence. A TOYR is not required for dredging activities in the Elizabeth River upstream of the Mid-Town Tunnel on the main-stem and the West Norfolk Bridge (Route 164, Western Freeway) on the Western Branch of the Elizabeth River due to the lack of suitable upstream spawning habitat.

**RC 3. Designated Critical Resource Waters, including NOAA-Managed Marine Sanctuaries and National Estuarine Research Reserves:**

A PCN is required for work under NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38 and 54 in the Mallow Bay-Potomac River National Marine Sanctuary and the Chesapeake Bay National Estuarine Research Reserve in Virginia. The Chesapeake Bay National Estuarine Research Reserve within the York River includes Sweet Hall Marsh, Taskinas Creek, Catlett Islands, and Goodwin Islands. More information can be found at the following websites:

<https://sanctuaries.noaa.gov/mallows-potomac/>

<http://www.vims.edu/cbnerr/>.

NWPs 7, 12, 14, 16, 17, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 cannot be used to authorize the discharge of dredged or fill material in the Mallow Bay-Potomac River National Marine Sanctuary and the Chesapeake Bay National Estuarine Research Reserve in Virginia.

#### **RC 4. Federally Listed Threatened or Endangered Species and Designated Critical Habitat for Non-Federal Permittees**

For ALL NWPs, a PCN is required for any project that may affect a federally listed threatened or endangered species or designated critical habitat. The U.S. Fish and Wildlife Service (Service) has developed an online system that allows users to find information about sensitive resources that may occur within the vicinity of a proposed project. This system named “Information, Planning and Conservation System” (IPaC), is located at <http://ecos.fws.gov/ipac/>. The applicant may use IPaC to determine if any federally listed threatened or endangered species or designated critical habitat may be affected by their proposed project. If your Official Species List from IPaC identifies any federally listed threatened or endangered species, you are required to submit a PCN for the proposed activity. If you are unsure about whether your project will impact federally listed threatened or endangered species, please submit a PCN, so the Norfolk District may review the action. Further information about the Virginia Field Office “Project Review Process” may be found at <https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>.

Additional consultation may also be required with NOAA Fisheries Service, Protected Resources Division, for listed species or critical habitat under their jurisdiction, including sea turtles, marine mammals, shortnose sturgeon, and Atlantic sturgeon. For additional information about species under their jurisdiction in Virginia, please see <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>.

#### **RC 5. Invasive Species**

Plant species listed in the most current Virginia Department of Conservation and Recreation's (DCR) *Invasive Alien Plant List* shall not be used for re-vegetation for activities authorized by any NWP. The list of invasive plants in Virginia is found at <https://www.dcr.virginia.gov/natural-heritage/invspdflist>. Regional native species for re-vegetation may be found in DCR's *Native Plants for Conservation, Restoration and Landscaping* brochures for the coastal, piedmont and mountain regions (available at <http://www.dcr.virginia.gov/natural-heritage/nativeplants#brochure>) and the DCR native plant finder (available at <https://www.dcr.virginia.gov/natural-heritage/native-plants-finder>).

## **RC 6. Countersinking Pipes and Culverts**

This condition applies to NWPs 3, 7, 12, 14, 17, 18, 23, 25, 27, 29, 32, 33, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 57, 58, and 60.

NOTE FOR WORK IN TIDAL WATERS: New and replacement pipes/culverts in tidal waters must be installed with the inverts no higher than the prevailing stream/channel bottom elevation. If the permittee determines that matching existing elevations is not practicable, then a PCN is required. This condition does not apply to pipe extensions in tidal waters.

Norfolk District has determined that fish and other aquatic organisms are most likely present in any nontidal stream being crossed, in the absence of site-specific evidence to the contrary. The following conditions will apply in nontidal waters:

- a. All pipes and culverts placed in streams will be countersunk at both the inlet and outlet ends, unless indicated otherwise by the Norfolk District on a case-by-case basis (see below). Pipes that are 24" or less in diameter shall be countersunk 3" below the natural stream bottom. Pipes that are greater than 24" in diameter shall be countersunk 6" below the natural stream bottom. The countersinking requirement does not apply to bottomless pipes/culverts or pipe arches. All single pipes or culverts (with bottoms) shall be depressed (countersunk) below the natural streambed at both the inlet and outlet of the structure. In sets of multiple pipes or culverts (with bottoms) at least one pipe or culvert shall be depressed (countersunk) at both the inlet and outlet to convey low flows.
- b. When countersinking culverts, permittees must ensure reestablishment of a surface water channel (within 15 days post construction) that allows for the movement of aquatic organisms and maintains the same hydrologic regime that was present pre-construction (i.e., the depth of surface water through the permit area should match the upstream and downstream depths). This may require the addition of finer materials to choke the larger stone and/or placement of riprap to allow for a low flow channel.

- c. The requirement to countersink does not apply to extensions of existing pipes or culverts that are not countersunk, or to maintenance of pipes/culverts that does not involve replacing the pipe/culvert (such as repairing cracks, adding material to prevent/correct scour, etc.).
- d. Floodplain pipes: The requirement to countersink does not apply to pipes or culverts that are being placed above ordinary high water, such as those placed to allow for floodplain flows. The placement of pipes above ordinary high water is not jurisdictional (provided no fill is discharged into wetlands).
- e. Hydraulic opening: Pipes should be adequately sized to allow for the passage of ordinary high water with the countersinking and invert restrictions taken into account.
- f. Pipes on bedrock or above existing utility lines: Different procedures will be followed for pipes or culverts to be placed on bedrock or above existing buried utility lines where it is not practicable to relocate the lines, depending on whether the work is for replacement of an existing pipe/culvert or a new pipe/culvert:
  - i. Replacement of an existing pipe/culvert: Countersinking is not required provided the elevations of the inlet and outlet ends of the replacement pipe/culvert are no higher above the stream bottom than those of the existing pipe/culvert. Documentation (photographic or other evidence) must be maintained in the permittee's records showing the bedrock condition and the existing inlet and outlet elevations.
  - ii. A pipe/culvert is being placed in a new location: If the permittee determines that bedrock or an existing buried utility line that is not practicable to relocate prevents countersinking, they should evaluate the use of a bottomless pipe/culvert, bottomless utility vault, span (bridge) or other bottomless structure to cross the waterway, and also evaluate alternative locations for the new pipe/culvert that will allow for countersinking. If the permittee determines that neither a bottomless structure nor an alternative location is practicable, then a PCN is required. The permittee must provide documentation of measures evaluated to minimize disruption of the movement of aquatic life as well as documentation of the cost, engineering factors, and site conditions that prohibit countersinking the pipe/culvert. Options that must be considered include partial countersinking (such as less than 3" of countersinking, or countersinking of one end of the pipe), and constructing stone step pools, low rock weirs downstream, or other measures to provide for the movement of aquatic organisms. PCN must also include photographs documenting site conditions. NOTE: Blasting of stream bottoms through the use of explosives is not acceptable as a means of providing for countersinking of pipes on bedrock.

- g. Pipes on steep terrain: Pipes being placed on steep terrain (slope of 5% or greater) must be countersunk in accordance with the conditions above and will in most cases be non-reporting. It is recommended that on slopes greater than 5%, a larger pipe than required be installed to allow for the passage of ordinary high water in order to increase the likelihood that natural velocities can be maintained. There may be situations where countersinking both the inlet and outlet may result in a slope in the pipe that results in flow velocities that cause excessive scour at the outlet and/or prohibit some fish movement. This type of situation could occur on the side of a mountain where falls and drop pools occur along a stream. Should this be the case, or should the permittee not want to countersink the pipe/culvert for other reasons, they must submit a PCN. The permittee must provide documentation of measures evaluated to minimize disruption of the movement of aquatic life as well as documentation of the cost, engineering factors, and site conditions that prohibit countersinking the pipe/culvert. The permittee should design the pipe to be placed at a slope as steep as stream characteristics allow, countersink the inlet 3-6", and implement measures to minimize any disruption of fish movement. These measures can include constructing a stone step/pool structure, preferably using river rock/native stone rather than riprap, constructing low rock weirs to create a pool or pools, or other structures to allow for fish movements in both directions. Stone structures should be designed with sufficient-sized stone to prevent erosion or washout and should include keying-in as appropriate. These structures should be designed both to allow for fish passage and to minimize scour at the outlet. The quantities of fill discharged below ordinary high water necessary to comply with these requirements (i.e., the cubic yards of stone, riprap or other fill placed below the plane of ordinary high water) must be included in project totals.
- h. Problems encountered during construction: When a pipe/culvert is being replaced, the design calls for countersinking at both ends of the pipe/culvert, and during construction it is found that the streambed/banks are on bedrock, a utility line, or other documentable obstacle, then the permittee must stop work and contact the Norfolk District (contact by telephone and/or email is acceptable). The permittee must provide the Norfolk District with specific information concerning site conditions and limitations on countersinking. The Norfolk District will work with the permittee to determine an acceptable plan, taking into consideration the information provided by the permittee, but the permittee should recognize that the Norfolk District could determine that the work will not qualify for an NWP.
- i. Emergency pipe replacements: In the case of an emergency situation, such as when a pipe/culvert washes out during a flood, a permittee is encouraged to countersink the replacement pipe at the time of replacement, in accordance with the conditions above. However, if conditions or timeframes do not allow for countersinking, then the pipe can be replaced as it was before the washout, but

the permittee will have to come back and replace the pipe/culvert and countersink it in accordance with the guidance above. In other words, the replacement of the washed out pipe is viewed as a temporary repair, and a countersunk replacement should be made at the earliest possible date. The Norfolk District must be notified of all pipes/culverts that are replaced without countersinking at the time that it occurs, even if it is an otherwise non-reporting activity, and must provide the permittee's planned schedule for installing a countersunk replacement (it is acceptable to submit such notification by email). The permittee should anticipate whether bedrock or steep terrain will limit countersinking, and if so, should follow the procedures outlined in (f) and/or (g) above.

## **RC 7. Repair of Pipes**

This condition applies to NWP's 3, 7, 12, 14, 17, 18, 23, 25, 27, 29, 32, 33, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 57, 58, and 60.

**NOTE FOR WORK IN TIDAL WATERS:** New and replacement pipes/culverts in tidal waters must be installed with the inverts no higher than the prevailing stream/channel bottom elevation. If the permittee determines that matching existing elevations is not practicable, then a PCN is required. This condition does not apply to pipe extensions in tidal waters.

**For Nontidal Waters:** If any discharge of fill material will occur in conjunction with pipe maintenance, such as concrete being pumped over rebar into an existing deteriorated pipe for stabilization, then the following conditions apply:

- a. If the existing pipe or multi-barrel array of pipes are NOT currently countersunk:
  - i. As long as the inlet and outlet invert elevations of at least one pipe located in the low flow channel are not being altered, and provided that no concrete apron is being constructed, then the work may proceed under the NWP for the other pipes, provided it complies with all other NWP General Conditions. In such cases, a PCN is not required, unless specified in the Regional Conditions for other reasons, and the permittee may proceed with the work.
  - ii. Otherwise, the permittee must submit a PCN prior to commencing the activity. For all such projects, the following information should be provided:
    - 1) Photographs of the existing inlet and outlet;
    - 2) A measurement of the degree to which the work will raise the invert elevations of both the inlet and outlet of the existing pipe;

- 3) The reasons why other methods of pipe maintenance are not practicable (such as metal sleeves or a countersunk pipe replacement);
- 4) A vicinity map showing the pipe locations.

The Norfolk District will assess all such pipe repair proposals in accordance with guidelines that can be found under “Pipe Repair Guidelines” at

<http://www.nao.usace.army.mil/Missions/Regulatory/GuidanceDocuments.aspx>.

- iii. If the Norfolk District determines that the work qualifies for the NWP, additional conditions will be placed on the verification. Those conditions can be found at the web link above (in item ii).
  - iv. If the Norfolk District determines that the work does NOT qualify for the NWP, the applicant will be directed to apply for either Regional Permit 01, applicable only for Virginia Department of Transportation (VDOT) projects or an Individual Permit. However, it is anticipated that the applicant will still be required to perform the work such that the waterway is not blocked or restricted to a greater degree than its current conditions.
- b. If the existing pipe or at least one pipe in the multi-barrel array of pipes IS countersunk and at least one pipe located in the low flow channel will continue to be countersunk, and no concrete aprons are proposed:

No PCN to the Norfolk District is required, unless specified in the Regional Conditions for other reasons, and the permittee may proceed with the work.

- c. If the existing pipe or at least one pipe in the multi-barrel array of pipes IS countersunk and no pipe will continue to be countersunk in the low flow channel:

This work cannot be performed under the NWPs. The permittee must apply for either a Regional Permit 01 (applicable only for VDOT projects) or an Individual Permit. However, it is anticipated that the permittee will still be required to perform the work such that the waterway is not blocked or restricted more so than its current conditions.

- d. In emergency situations, if conditions or timeframes do not allow for compliance with the procedure outlined herein, then the pipe can be temporarily repaired to the condition before the washout. If the temporary repair would require a PCN by the above procedures, the permittee must submit the PCN at the earliest practicable date, but no longer than 15 days after the temporary repair.

## **RC 8. Impacts Requiring a Compensatory Mitigation Plan**

When a PCN is required, a compensatory mitigation plan must be submitted if the permanent loss exceeds 0.1 acre of wetlands and/or 0.03 acre of stream bed or 300 linear feet of stream bed unless otherwise stated in the regional conditions (see Regional Condition 11 for Transportation Projects). The stream channel loss must be reported in acreage and linear feet.

## **RC 9. Removal of Temporary Fills and Impacts**

The soils of any temporarily impacted areas located in wetlands that are cleared, grubbed, excavated, dredged and/or filled, must be restored once these areas are no longer needed for their authorized purpose, no later than completion of project construction, and not to exceed twelve (12) months after commencing the temporary impacts. To restore, temporary fill must be removed in its entirety and the affected areas returned to preconstruction elevations, the soil surface loosened by ripping or chisel plowing to a depth of 8-12", and then seeded using native wetland species. See Regional Condition 5: Invasive Species for more information on vegetation recommendations.

Fill or dredged material in waters of the U.S. that is not removed within the 12-month period will be considered a permanent impact, unless otherwise determined by the Corps. This additional impact to waters of the U.S. may result in the Corps initiating a permit non-compliance action, which may include a restoration order, after-the-fact permitting, and/or compensatory mitigation.

## **RC 10. Transportation Projects Funded in Part or in Total by Local, State or Federal Funds**

For all impacts associated with transportation projects funded in part or in total by local, state or federal funds and requiring a PCN, compensatory mitigation will generally be required for all permanent wetland impacts (including impacts less than 1/10 acre). Therefore, the PCN must include a compensatory mitigation plan.

## **RC 11. Activities Affecting Structures or Works Built by the United States**

A PCN is required if the NWP activity also requires a section 408 permission from the Corps pursuant to 33 U.S.C. § 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project. The activity is not authorized by the NWP until the appropriate Corps District office issues the Section 408 permission and the District Engineer issues a written NWP verification [NWP GC #31 and GC #32(b)(1)].

The locations of Norfolk District Civil Works projects can be found on the Norfolk District Section 408 Program webpage at <https://www.nao.usace.army.mil/408Review/> via the *Norfolk District Section 408 Map*.

Four other Corps Districts, including the Baltimore, Huntington, Nashville and Wilmington Districts, have civil works boundaries within the Commonwealth of Virginia. Please see the USACE Civil Works Boundary layer in the *Norfolk District Section 408 Map* on the Norfolk District Section 408 Program webpage. If your project is located within the civil works boundaries of another District, please contact the corresponding District's Section 408 Coordinator for more information via the links provided on the Norfolk District Section 408 Program webpage.

<https://www.nao.usace.army.mil/408Review/>

Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for any questions or additional information.

## **RC 12. Clean Water Act Section 401 Water Quality Certification**

*On November 6, 2025, the Virginia Department of Environmental Quality (DEQ) granted water quality certification (WQC) for the 2026 Nationwide Permits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, and 60 pursuant to Section 401 of the Clean Water Act (CWA) (33 U.S.C. § 1341), Virginia Code §§ 62.1-44.14 & 62.1-44.41, and 9 Va. Admin. Code 25-210-130.*

*Applicants must review the following statements provided by DEQ:*

*DEQ finds that activities which may result in a discharge of dredged or fill material into waters of the United States (WOTUS) and authorized by one or more Proposed 2026 NWP's will comply with the requirements of the applicable water quality standards under Virginia Administrative Code 9VAC25-260 et seq., as established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA; Title 62.1 of the Code of Virginia; and the applicable Virginia Water Protection (VWP) Permit Program regulations, provided that permittees abide by all requirements and conditions of this WQC and the applicable Proposed 2026 NWP (including the District Regional Conditions).*

*This WQC applies to activities that satisfy all requirements and conditions to be authorized for coverage under one or more Proposed 2026 NWP's (including the applicable District Regional Conditions).*

*WQCs are not permits. Therefore, they do not relieve the applicant or permittee from complying with all applicable requirements of the Clean Water Act, State Water Control Law, and local, state, and federal government laws or regulations, nor do the WQCs affect DEQ's authority to take any permitting, compliance, and enforcement action allowed under Chapter 3.1 of Title 62.1 of the Code of Virginia or applicable Virginia Water Protection (VWP) Permit Program regulations (9VAC25-210 et seq., 9VAC25-660 et seq., 9VAC25-670 et seq., 9VAC25-680 et seq., 9VAC25-690 et seq.). In such cases, submittal of an application to DEQ may be required for state review, unless the activity is otherwise excluded or waived from VWP permitting requirements.*

For Nationwide Permit 32 DEQ provided the following:

*On November 6, 2025, the Virginia Department of Environmental Quality (DEQ) expressly waived water quality certification (WQC) for the United States Army Corps of Engineers (USACE) proposed 2026 Nationwide Permit 32 and proposed District Regional Conditions applicable to Nationwide Permit 32, pursuant to Section 401 of the Clean Water Act, as amended (33 U.S.C. § 1341); the Constitution of Virginia, Article XI, Section 1; Title 62.1 of the Code of Virginia, including Chapter 3.1 (State Water Control Law); applicable Virginia Water Protection (VWP) Permit Program regulations (9VAC25-210 et seq., 9VAC25-660 et seq., 9VAC25-670 et seq., 9VAC25-680 et seq., 9VAC25-690 et seq.); and Virginia Water Quality Standards (9VAC25-260 et seq.).*

*DEQ cannot determine if the activities which may result in a discharge(s) of dredged or fill material into waters of the United States (WOTUS) as authorized by Nationwide Permit 32 and conducted without prior state authorization, if required, will comply or would have complied with the requirements of the applicable water quality standards under Virginia Administrative Code 9VAC25-260 et seq., as established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA; ii) Title 62.1 of the Code of Virginia; or iii) the applicable VWP Permit Program regulations.*

*WQCs are not permits. Therefore, they do not relieve the applicant or permittee from complying with all applicable requirements of the Clean Water Act, State Water Control Law, and local, state, and federal government laws or regulations, nor do the WQCs affect DEQ's authority to take any permitting, compliance, and enforcement action allowed under Chapter 3.1 of Title 62.1 of the Code of Virginia or applicable Virginia Water Protection (VWP) Permit Program regulations (9VAC25-210 et seq., 9VAC25-660 et seq., 9VAC25-670 et seq., 9VAC25-680 et seq., 9VAC25-690 et seq.).*

### **RC 13. Federal Consistency under the Coastal Zone Management Act (CZMA)**

*DEQ concurred that the 2026 NWP's with the Regional Conditions are consistent to the maximum extent practicable with the Virginia CZM Program.*

Applicants should review the CZMA Federal Consistency Determination for compliance: <https://www.nao.usace.army.mil/Missions/Regulatory-Branch/Regulatory-Permits/>.

## **II. REGIONAL CONDITIONS APPLICABLE TO SPECIFIC 2026 NWPS:**

### **RC 14. Applicable to NWP 5 - Scientific Measurement Devices Condition for Offshore Devices and Construction or Installation of Subaqueous Turbines:**

A PCN is required for meteorological towers or other anchored measurement devices proposed in areas with sensitive complex habitats, benthic features with pronounced vertical relief (e.g., sand waves, ridge and trough complexes), areas with dense aggregations of biota (e.g., Cerianthid and shellfish beds) or areas with particularly sensitive species (e.g., Northern star coral, sea whips *Alcyonacea sp.*).

A PCN is required if a permittee proposes the construction or installation of subaqueous turbines because this work may have more than minimal impacts and the work will need to be coordinated with appropriate federal, state, and/or local agencies.

### **RC 15. Applicable to NWP 6 – Survey Activities**

A PCN is required for all proposed seismic surveying involving sub-bottom profilers or other sound-generating surveying likely to cause behavior modification or injury to fish.

A PCN is required for any proposed survey and/or site characterization activities in any Habitat Area of Particular Concern (HAPC).

### **RC 16. Applicable to NWP 7 - Outfall Structures and Associated Intake Structures Conditions for Intakes in Anadromous Fish Waters:**

When an intake is proposed in designated anadromous fish waters, the following design parameters will be incorporated as permit conditions to protect the sensitive life stages of shellfish, resident and anadromous fish:

1. Screening over the mouth of the intake with mesh size that does not exceed 1mm;
2. Intake velocities that do not exceed 0.25 feet per second;

3. Intake must be positioned such that an unimpeded flow of water parallel to the screen surface occurs along the entire surface of the screen to take advantage of sweeping velocity.

**RC 17. Applicable to NWP 10 - Mooring Buoys**  
**Conditions for Sufficient Mooring Depths:**

1. Water depths in the mooring areas should be sufficient that vessels moored float at all stages of the tide.
2. Boats should not hit bottom during low water conditions. The swing radius of the vessel plus the mooring chain should not result in the vessel becoming an obstruction to navigation.
3. Use of this NWP is prohibited in and around SAV beds. Information about SAV habitat can be found at the Virginia Institute of Marine Science's website:  
<http://mobjack.vims.edu/sav/savwabmap/>.

**RC 18. Applicable to NWP 11 - Temporary Recreational Structures:**  
**Conditions for Sufficient Mooring Depths:**

1. Water depths in the mooring areas should be sufficient that structures moored float at all stages of the tide or stoppers must be utilized to prevent the structures from resting on the bottom, so as to not damage the underlying benthic communities.
2. Structures should not hit bottom during low water conditions.
3. Use of this NWP is prohibited in and around SAV beds. Information about SAV habitat can be found at the Virginia Institute of Marine Science's website:  
<http://mobjack.vims.edu/sav/savwabmap/>.

**RC 19. Applicable to NWP 12 - Oil or Natural Gas Pipeline Activities**  
**Conditions Specific to NWP 12:**

1. Construction of access roads may not cause the loss of more than 1/3 acre of waters of the United States.
2. A PCN is required when the activity involves greater than 0.10 acre of mechanized land clearing in a forested wetland for the utility line right-of-way.
3. For utility activities requiring a PCN, the permittee shall provide the following information:

- a. A map of the entire utility corridor to assist with our completeness determination. The map should include a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g., PFO, PEM, POW, etc.).
  - b. An analysis of onsite minimization, which specifically addresses the following:
    - i. Selection of an alignment which avoids and minimizes wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling should be reviewed as an option. However, the Norfolk District recognizes that in certain areas (e.g., karst areas) directional drilling may not be the environmentally preferred option.
    - ii. Selection of an alignment which avoids fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts. Consult the Virginia Conservation Vision, a GIS analysis for identifying and prioritizing areas of un-fragmented natural cover in Virginia (ecological cores) (<http://www.dcr.virginia.gov/natural-heritage/vaconvision>). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer (<http://vanhde.org/content/map>).
    - iii. Minimizing clearing of wetlands. Grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent easement, wetland vegetation shall only be removed at or above the ground surface unless written justification is provided, and the impacts are reviewed and approved by the Corps.
    - iv. For buried utility lines, allowance of natural succession to restore the wetland area to tree and scrub/shrub except for a 20-foot-wide access corridor, to the maximum extent practicable.
  - c. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
4. For all submerged and overhead utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required, including the proposed burial depth (in feet relative to mean low water) or minimum clearance height (feet) per 33 CFR § 322.5(i). In addition, the location and maximum authorized depths of any federal navigation channels must be shown in relation to the proposed utility line on the plan view and cross-section view of the project plans. The locations of Norfolk District Federal Projects can be found on the Norfolk District Section 408

Program webpage at <https://www.nao.usace.army.mil/408Review/> via the *Norfolk District Section 408 Map*. Section 408 permission will be required pursuant to 33 U.S.C. § 408 for any utility lines that cross over or under a federal project. Any utility lines crossing under a federal navigation channel must be buried to a minimum depth to mitigate potential impacts to navigation and/or the operation and maintenance of the federal project. Specific minimum depth requirements under the Federal channel and side slopes and within the vicinity of the channel outside the side slopes must be coordinated with the Norfolk District Section 408 Coordinator and as part of the required Section 408 request. It is recommended that all utility line crossings be designed to allow for adequate depths or other protective measures installed below the maximum authorized dredge depths of the federal project and side slopes to avoid impacts during dredging work and to protect the utility line from unintended damage from dredging, anchors and/or other equipment and vessels. Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for more information and maximum authorized depths for specific federal navigation projects or other federal project footprints.

5. Whenever practicable, excavated material shall be placed on a Corps confirmed upland site, scow or barge. However, when this is not practicable, temporary stockpiling is authorized provided that:
  - a. All excavated material stockpiled in a vegetated wetland area is placed on filter cloth, mats, or some other semi-permeable surface. The material will be stabilized with straw bales, filter cloth, etc. to prevent reentry into any waterway.
  - b. All excavated material must be placed back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days after the pipeline has been laid through the wetland areas. Permission must be granted by the Norfolk District if the material is to be stockpiled longer than 30 days.
6. The applicant must receive written verification before performing the work when open-cut trenching, temporary stockpiling dredge material, or hydrostatic testing of a pipeline involving water withdrawals in designated anadromous fish use areas is proposed. For project sites within anadromous fish use areas, time-of-year restrictions (TOYRs) from February 15 through June 30 of any given year will apply, unless coordination with NOAA and/or the DWR results in a different TOYR or none.
7. For utility lines landing in Virginia from the Outer Continental Shelf (OCS), the applicant shall send the PCN to the following federal agencies:

Director, Naval Seafloor Cable Protection Office  
Naval Facilities Engineering Command

1322 Patterson Ave SE, Suite 1000  
Washington DC 20374

Bureau of Ocean Energy Management (BOEM)  
Atlantic OCS Region  
1201 Elmwood Park Blvd.  
New Orleans, LA 70123-2394.

8. For utility line projects completed by horizontal directional drilling or other boring methods, include a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required for the original work.
9. When an intake is proposed in designated anadromous fish waters, the following design parameters will be incorporated as permit conditions to protect the sensitive life stages of anadromous fish:
  - a. Screening over the mouth of the intake with mesh size that does not exceed 1mm;
  - b. Intake velocities that do not exceed 0.25 feet per second;
  - c. Intake must be positioned such that an unimpeded flow of water parallel to the screen surface occurs along the entire surface of the screen to take advantage of sweeping velocity.
10. An individual Section 401 water quality request must be submitted to DEQ for review and determination on the need for a state action in accordance with state laws and regulations if the proposed activities in surface waters, which may result in any discharge of dredged or fill material, include a natural gas transmission pipeline greater than 36 inches inside diameter pursuant to a certificate of public convenience and necessity under § 7c of the federal Natural Gas Act (15 USC § 717f(c)).

**RC 20. Applicable to NWP 14 – Linear Transportation Projects**  
**Restricted use of NWP 14 Linear Transportation Projects in Nontidal Waters:**

A portion of NWP 14 overlaps with the current State Program General Permit (SPGP-01); therefore, NWP 14 may not be used for projects impacting Section 404 only, nontidal waters of the United States, including wetlands, unless the Norfolk District determines that the SPGP-01 is not applicable. NWP 14 may still be considered for projects impacting tidal waters of the United States, other nontidal, Section 10 waters of the United States and in the Northern Virginia Military Installations within Baltimore District's Area of Responsibility.

**RC 21. Applicable to NWP 18 – Minor Discharges  
Conditions Specific to NWP 18:**

For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/10-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

**RC 22. Applicable to NWP 23 - Approved Categorical Exclusions  
Conditions Specific to NWP 23:**

1. The permittee must submit a PCN if the project results in a discharge to a special aquatic site, including vegetated shallows (i.e., SAV), mud flats, wetlands, and/or results in combined impacts to more than 300 linear feet of streambed from the entire project.
2. To ensure that permanent losses of waters of the United States do not result in more than minimal adverse effects to the aquatic environment, compensation will be required for all wetland impacts and for any single impact to a stream of greater than 300 linear feet. For projects where the combined impacts to streams due to the entire project exceed 300 linear feet, but no single impact exceeds 300 linear feet, the Corps will determine on a case-by-case basis whether compensation for stream impacts is required.

**RC 23. Applicable to NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities:**

1. For all projects proposing stream restoration, you may be asked to provide a completed Natural Channel Design Review Checklist and Selected morphological Characteristics form, including the name and location of the reference reach. These forms and the associated manual can be located at <https://www.fws.gov/chesapeakebay/PDF/stream-restoration/Natural-Channel-Design-Checklist-Doc-V2-Final-11-4-11.pdf>.
2. If the permittee intends for the permitted activity to generate compensatory mitigation credits, the permittee must comply with all terms and conditions of the mitigation banking instrument/in-lieu fee program instrument and modifications to those instruments. Verification of this NWP prior to execution of the mitigation banking instrument/in-lieu fee program instrument or modifications to those instruments does not guarantee the approval of the use of any credits generated from the permitted activities for compensatory mitigation.

#### **RC 24. Applicable to NWP 29 - Residential Developments:**

Restricted use of NWP 29 for Multiple Unit Residential Developments and Residential Subdivisions: NWP 29 overlaps with the current State Program General Permit (SPGP-01); therefore, NWP 29 may not be used to authorize multiple unit residential developments and residential subdivisions, unless the Norfolk District determines that the SPGP-01 is not applicable. NWP 29 may still be used for a single residence and attendant features and in the Northern Virginia Military Installations within Baltimore District's Area of Responsibility.

#### **RC 25. Applicable to NWP 39 - Commercial and Institutional Developments:**

Restricted use of NWP 39 for Commercial and Institutional Developments: NWP 39 overlaps with the current State Program General Permit (SPGP-01); therefore, NWP 39 may not be used, unless the Norfolk District determines that the SPGP-01 is not applicable. NWP 39 may still be used in the Northern Virginia Military Installations within Baltimore District's Area of Responsibility.

#### **RC 26. Applicable to NWP 48 - Commercial Shellfish Mariculture Activities:**

1. No aquaculture activity shall occur within beds of submerged aquatic vegetation (SAV) or saltmarsh, nor shall such vegetation be damaged or removed. Should an area become colonized by SAV or saltmarsh after an authorized aquaculture activity is installed in the same area, the activity shall be allowed to remain; however, no expansion of the aquaculture operation into newly colonized areas is authorized by this NWP. Information on the location of SAV beds can be found at <http://mobjack.vims.edu/sav/savwabmap/>.
2. An aquaculture activity will not meet the terms for this NWP if it will have more than minimal adverse effects on avian resources such as, but not limited to shore birds, wading birds, or waterfowl. This includes nesting, feeding or resting activities by migratory birds identified at 50 CFR § 10.13.
3. An aquaculture activity will not qualify for this NWP if it will have more than minimal adverse effects on existing or naturally occurring beds or populations of shellfish, marine worms or other invertebrates that could be used by man, other mammals, birds, reptiles, or fish. Feeding and harvesting plans, including the use of a hydraulic dredge, should be included in the application to evaluate impacts.
4. No aquaculture activity or vehicular access to the activity shall occur in such a way as to negatively impact coastal or wetland vegetation.
5. As-built drawings must be submitted with the certificate of compliance for all aquaculture projects.

6. The District Engineer will require an Individual Department of the Army permit for any project which they determine to have greater than minimal individual or cumulative adverse impacts.
7. If the permittee decides to abandon the activity authorized under this NWP (unless such abandonment is merely the transfer of property to a third party), the permittee must notify the Corps and may be required to remove the structures and restore the area to the satisfaction of the Corps.

**RC 27. Applicable to NWP 51 - Land-Based Renewable Energy Generation Facilities:**

1. Construction of access roads may not cause the loss of more than 1/3 acre of waters of the United States.
2. A PCN is required when the activity involves greater than 0.10 acres of mechanized landclearing in a forested wetland for the utility line right-of-way.
3. For utility activities requiring a PCN, the permittee shall provide the following information:
  - a. A map of the entire utility corridor to assist with our completeness determination. The map should include a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g., PFO, PEM, POW, etc.).
  - b. An analysis of onsite minimization, which specifically addresses the following:
    - i. Selection of an alignment which avoids and minimizes wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling should be reviewed as an option. However, the Norfolk District recognizes that in certain areas (e.g., karst areas) directional drilling may not be the environmentally preferred option.
    - ii. Selection of an alignment which avoids fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts. Consult the Virginia Conservation Vision, a GIS analysis for identifying and prioritizing areas of un-fragmented natural cover in Virginia: <http://www.dcr.virginia.gov/natural-heritage/vaconvision>.
    - iii. Minimizing clearing of wetlands. Grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent

easement, wetland vegetation shall only be removed at or above the ground surface unless written justification is provided and the impacts are reviewed and approved by the Corps.

- iv. For overhead utility lines, allowance of natural succession to restore and maintain the corridor in scrub-shrub wetlands except for a minimum corridor needed for access, to the maximum extent practicable.
  - v. For buried utility lines, allowance of natural succession to restore the wetland area to tree and scrub/shrub except for a 20-foot wide access corridor, to the maximum extent practicable.
- c. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
4. For all submerged and overhead utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required, including the proposed burial depth (in feet relative to mean low water) or minimum clearance height (feet) per 33 CFR § 322.5(i). In addition, the location and maximum authorized depths of any federal navigation channels must be shown in relation to the proposed utility line on the plan view and cross-section view of the project plans. The locations of Norfolk District Federal Projects can be found on the Norfolk District Section 408 Program webpage at <https://www.nao.usace.army.mil/408Review/> via the Norfolk District Section 408 Map. Section 408 permission will be required pursuant to 33 U.S.C. § 408 for any utility lines that cross over or under a federal project. Any utility lines crossing under a federal navigation channel must be buried to a minimum depth to mitigate potential impacts to navigation and/or the operation and maintenance of the federal project. Specific minimum depth requirements under the federal channel and side slopes, and within the vicinity of the channel outside the side slopes must be coordinated with the Norfolk District Section 408 Coordinator and as part of the required Section 408 request. It is recommended that all utility line crossings be designed to allow for adequate depths or other protective measures installed below the maximum authorized dredge depths of the federal project and side slopes to avoid impacts during dredging work and to protect the utility line from unintended damage from dredging, anchors and/or other equipment and vessels. Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for more information and maximum authorized depths for specific federal navigation projects or other federal project footprints.
  5. Whenever practicable, excavated material shall be placed on a Corps confirmed upland site, scow or barge. However, when this is not practicable, temporary stockpiling in wetlands is hereby authorized provided that:

- a. All excavated material stockpiled in a vegetated wetland area is placed on filter cloth, mats, or some other semi-permeable surface. The material will be stabilized with straw bales, filter cloth, etc. to prevent reentry into any waterway.
  - b. All excavated material must be placed back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days after the pipeline has been laid through the wetland areas. Permission must be granted by the Norfolk District if the material is to be stockpiled longer than 30 days.
6. The applicant must receive written verification before performing the work when open-cut trenching, temporary stockpiling dredge material, or hydrostatic testing of a pipeline involving water withdrawals in designated anadromous fish use areas is proposed. For project sites within anadromous fish use areas, time-of-year restrictions (TOYRs) from February 15 through June 30 of any given year may apply, unless coordination with NOAA and/or the DWR results in a different TOYR or none.
7. Aerial Transmission Lines Crossing Navigable Waters:
- a. 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.

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

b. 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 otherwise specifically authorized by the District Engineer.

c. 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.

8. For utility line projects completed by horizontal directional drilling or other boring methods, a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures needs to be included with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required for the original work.

**RC 28. Applicable to NWP 52 - Water-Based Renewable Energy Generation Pilot Projects:**

1. Construction of access roads may not cause the loss of more than 1/3 acre of waters of the United States.

2. A PCN is required when the activity involves greater than 0.10 acres of mechanized landclearing in a forested wetland for the utility line right-of-way.

3. For utility activities requiring a PCN the permittee shall provide the following information:

a. A map of the entire utility corridor to assist with our completeness determination. The map should include a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g., PFO, PEM, POW, etc.).

b. An analysis of onsite minimization, which specifically addresses the following:

i. Selection of an alignment which avoids and minimizes wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling should be reviewed as an option. However, the Norfolk District recognizes that in certain areas (e.g., karst areas) directional drilling may not be the environmentally preferred option.

- ii. Selection of an alignment which avoids fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts. Consult the Virginia Conservation Vision, a GIS analysis for identifying and prioritizing areas of un-fragmented natural cover in Virginia: <http://www.dcr.virginia.gov/natural-heritage/vaconvision>.
  - iii. Minimizing clearing of wetlands. Grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent easement, wetland vegetation shall only be removed at or above the ground surface unless written justification is provided, and the impacts are reviewed and approved by the Corps.
  - iv. For overhead utility lines, allowance of natural succession to restore and maintain the corridor in scrub-shrub wetlands except for a minimum corridor needed for access, to the maximum extent practicable.
  - v. For buried utility lines, allowance of natural succession to restore the wetland area to tree and scrub/shrub except for a 20-foot-wide access corridor, to the maximum extent practicable.
- c. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
4. For all submerged and overhead utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required, including the proposed burial depth (in feet relative to mean low water) or minimum clearance height (feet) per 33 CFR § 322.5(i). In addition, the location and maximum authorized depths of any federal navigation channels must be shown in relation to the proposed utility line on the plan view and cross-section view of the project plans. The locations of Norfolk District Federal Projects can be found on the Norfolk District Section 408 Program webpage at <https://www.nao.usace.army.mil/408Review/> via the Norfolk District Section 408 Map. Section 408 permission will be required pursuant to 33 U.S.C. § 408 for any utility lines that cross over or under a federal project. Any utility lines crossing under a federal navigation channel must be buried to a minimum depth to mitigate potential impacts to navigation and/or the operation and maintenance of the federal project. Specific minimum depth requirements under the federal channel and side slopes, and within the vicinity of the channel outside the side slopes must be coordinated with the Norfolk District Section 408 Coordinator and as part of the required Section 408 request. It is recommended that all utility line crossings be designed to allow for adequate depths or other protective measures installed below the maximum authorized dredge depths of the federal project and side slopes to avoid impacts during dredging work and to protect the utility line from unintended damage from dredging, anchors and/or other equipment and vessels. Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for more information and

maximum authorized depths for specific federal navigation projects or other federal project footprints.

5. Whenever practicable, excavated material shall be placed on a Corps confirmed upland site, scow or barge. However, when this is not practicable, temporary stockpiling in wetlands is hereby authorized provided that:
  - a. All excavated material stockpiled in a vegetated wetland area is placed on filter cloth, mats, or some other semi-permeable surface. The material will be stabilized with straw bales, filter cloth, etc. to prevent reentry into any waterway.
  - b. All excavated material must be placed back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days after the pipeline has been laid through the wetland areas. Permission must be granted by the Norfolk District if the material is to be stockpiled longer than 30 days.
6. The applicant must receive written verification before performing the work when open-cut trenching, temporary stockpiling dredge material, or hydrostatic testing of a pipeline involving water withdrawals in designated anadromous fish use areas is proposed. For project sites within anadromous fish use areas, time-of-year restrictions (TOYRs) from February 15 through June 30 of any given year may apply to construction, unless coordination with NOAA and/or the DWR results in a different TOYR or none.
7. Aerial Transmission Lines Crossing Navigable Waters:
  - a. 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.

<b>Nominal System Voltage (kV)</b>	<b>Minimum additional clearance (ft.) above clearance required for bridges</b>
115 and below	20
138	22
161	24
230	26

350	30
500	35
700	42
750 - 765	45

b. 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 otherwise specifically authorized by the District Engineer.

c. 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.

8. For utility lines landing in Virginia, from the Outer Continental Shelf (OCS), the applicant shall send the PCN to the following federal agencies:

Director, Naval Seafloor Cable Protection Office  
 Naval Facilities Engineering Command  
 1322 Patterson Ave SE, Suite 1000  
 Washington DC 20374

Bureau of Ocean Energy Management (BOEM)  
 Atlantic OCS Region  
 1201 Elmwood Park Blvd.  
 New Orleans, LA 70123-2394.

9. For utility line projects completed by horizontal directional drilling or other boring methods, a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures needs to be included with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required for the original work.
10. When an intake is proposed in designated anadromous fish waters, the following design parameters will be incorporated as permit conditions to protect the sensitive life stages of anadromous fish:
  - a. Screening over the mouth of the intake with mesh size that does not exceed 1mm;
  - b. Intake velocities that do not exceed 0.25 feet per second;

c. Intake must be positioned such that an unimpeded flow of water parallel to the screen surface occurs along the entire surface of the screen to take advantage of sweeping velocity.

#### **RC 29. Applicable to NWP 53 - Removal of Low-Head Dams:**

The following information related to physical removal of the dam structure should be included in the PCN:

1. Timing and rate of the drawdown of the impoundment to avoid and minimize downstream flooding and excessive sedimentation to downstream areas.
2. Method of re-establishment and stabilization of the stream channel, and avoidance of other environmental impacts, including the potential for drainage of adjacent wetlands.
3. Construction equipment to be used in the stream channel and appropriate measures that will be taken, such as the use of construction mats or barges, to minimize impacts.
4. Information sufficient to ensure that accumulated sediments are free from contaminants and are disposed of properly. If testing is required, the testing criteria shall be developed in cooperation with Virginia Department of Environmental Quality.
5. Information concerning competing uses of the waterbody above the dam if the impoundment is not fully owned by the applicant.

#### **RC 30. Applicable to NWP 54 - Living Shorelines:**

1. This activity authorizes the placement of sandy fill material, including the placement landward of sill(s) provided the fill is for shoreline protection and/or wetland establishment or enhancement (and not solely a recreational beach). The maximum fill area within waters of the United States that can be authorized under this NWP is one (1) acre. For the purpose of this NWP, a sill is defined as a low (not to exceed +1 ft. above MHW), detached structure constructed near shore and parallel to the shoreline for the purpose of building up an existing beach by trapping and retaining sand in the littoral zone. Because a sill acts like a natural bar, it is most effective when constructed at or near the mean low water line and low enough to allow wave overtopping.
2. The grain size of the source material used for fill must be beach quality sand that is the same size or slightly larger than that of the native beach material and suitable for the proposed project. Excess silt/clay fraction and grain sizes

smaller than the former native sands will perform poorly. In most cases, sand material with no more than 10% passing a #100 sieve is appropriate. All fill material will be obtained from either an upland source, a borrow pit, or dredge material approved by the Corps.

3. Coir logs, coir mats, and native oyster shell should be of sufficient weight, adequately anchored, or placed in a manner to prevent them from being dislodged or carried away by wave action.
4. Sills may be constructed of riprap stone, gabion baskets, or clean broken concrete free of metal and re-bar. Alternative materials may be considered for use during the permit review process. The materials should be of sufficient weight or adequately anchored to prevent them from being dislodged and carried away by wave action. Asphalt and materials containing asphalt or other contaminants shall not be used in the construction of sills.
5. Sills will be designed with at least one 5-foot window/gap per property and per 100 linear feet of sill unless waived by the District Engineer.
6. The total amount of existing vegetated wetlands, which may be filled, graded, or excavated, in square feet, may not exceed the length of the activity along the shoreline in linear feet unless the District Engineer waives this criterion by making a written determination concluding that the project will result in minimal adverse effects. Impacts to sub-tidal, inter-tidal, and/or existing wetland vegetation may require a wetland mitigation plan and must result in no net loss of vegetated wetlands.
7. If the proposed project includes habitat conversion and/or results in impacts to existing wetland vegetation, then a written monitoring report may be required at the end of the first full growing season following planting, and after the second year of establishment. If required, the monitoring should be undertaken between June and September of each year and should include at a minimum: the project location, the Corps project number, representative photos of the site, and a brief statement on the success of the project.
8. As the design of a living shoreline project is site specific, it is suggested that the applicant refer to the Virginia Institute of Marine Sciences Living Shoreline Design Guidelines for Shore Protection in Virginia's Estuarine Environments and other reference documents which can be found at [https://www.vims.edu/ccrm/outreach/living\\_shorelines/index.php](https://www.vims.edu/ccrm/outreach/living_shorelines/index.php).
9. Projects which include placement of sandy fill material may result in impacts to or creation of suitable habitat for various federally listed threatened or endangered species. If this occurs or the applicant seeks to either add to or replenish the area previously filled, the Corps will consult with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act to ensure

work is not likely to adversely affect proposed or listed species or proposed or designated critical habitat. Specific requirements on the type of sand allowed for beach and dune work may be required.

**RC 31. Applicable to NWP 55 - Seaweed Mariculture Activities:**

In addition to the information required under NWP 55, the following should be included in the PCN:

1. General water depths, sediment characteristics of the bottom substrate, and benthic species present (including submerged aquatic vegetation) in the project area(s) (a detailed survey is not required).
2. A description of the quantity and dimensions of all proposed structure(s), including: culture gear (lines, cages pens, etc.), anchors, and site markers.
3. A vicinity map showing the project location(s), including the longitude and latitude of the site boundaries.
4. A schematic or drawing showing how the gear will be deployed on the site (a formal engineered schematic is not required).
5. The preconstruction notification should describe all species and culture activities the operator expects to undertake during the effective period of this NWP.

**RC 32. Applicable to NWP 57 - Electric Utility Line and Telecommunications Activities:**

1. Construction of access roads may not cause the loss of more than 1/3 acre of waters of the United States.
2. A PCN is required when the activity involves greater than 0.10 acres of mechanized landclearing in a forested wetland for the utility line right-of-way.
3. For utility activities requiring a PCN, the permittee shall provide the following information:
  - a. A map of the entire utility corridor to assist with our completeness determination. The map should include a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g., PFO, PEM, POW, etc.).
  - b. An analysis of onsite minimization, which specifically addresses the following:

- i. Selection of an alignment which avoids and minimizes wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling should be reviewed as an option. However, the Norfolk District recognizes that in certain areas (e.g., karst areas) directional drilling may not be the environmentally preferred option.
    - ii. Selection of an alignment which avoids fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts. Consult the Virginia Conservation Vision, a GIS analysis for identifying and prioritizing areas of un-fragmented natural cover in Virginia: <http://www.dcr.virginia.gov/natural-heritage/vaconvision>.
    - iii. Minimizing clearing of wetlands. Grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent easement, wetland vegetation shall only be removed at or above the ground surface unless written justification is provided, and the impacts are reviewed and approved by the Corps.
    - iv. For overhead utility lines, allowance of natural succession to restore and maintain the corridor in scrub-shrub wetlands except for a minimum corridor needed for access, to the maximum extent practicable.
    - v. For buried utility lines, allowance of natural succession to restore the wetland area to tree and scrub/shrub except for a 20-foot-wide access corridor, to the maximum extent practicable.
  - c. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
4. For all submerged and overhead utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required, including the proposed burial depth (in feet relative to mean low water) or minimum clearance height (feet) per 33 CFR § 322.5(i). In addition, the location and maximum authorized depths of any federal navigation channels must be shown in relation to the proposed utility line on the plan view and cross-section view of the project plans. The locations of Norfolk District Federal Projects can be found on the Norfolk District Section 408 Program webpage at <https://www.nao.usace.army.mil/408Review/> via the Norfolk District Section 408 Map. Section 408 permission will be required pursuant to 33 U.S.C. § 408 for any utility lines that cross over or under a federal project. Any utility lines crossing under a federal navigation channel must be buried to a minimum depth to mitigate potential impacts to navigation and/or the operation and maintenance of the federal project. Specific minimum depth requirements

under the federal channel and side slopes, and within the vicinity of the channel outside the side slopes must be coordinated with the Norfolk District Section 408 Coordinator and as part of the required Section 408 request. It is recommended that all utility line crossings be designed to allow for adequate depths or other protective measures installed below the maximum authorized dredge depths of the federal project and side slopes to avoid impacts during dredging work and to protect the utility line from unintended damage from dredging, anchors and/or other equipment and vessels. Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for more information and maximum authorized depths for specific federal navigation projects or other federal project footprints.

5. Whenever practicable, excavated material shall be placed on a Corps confirmed upland site, scow or barge. However, when this is not practicable, temporary stockpiling in wetlands is hereby authorized provided that:

- a. All excavated material stockpiled in a vegetated wetland area is placed on filter cloth, mats, or some other semi-permeable surface. The material will be stabilized with straw bales, filter cloth, etc. to prevent reentry into any waterway.
- b. All excavated material must be placed back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days after the pipeline has been laid through the wetland areas. Permission must be granted by the Norfolk District if the material is to be stockpiled longer than 30 days.

6. The applicant must receive written verification before performing the work when open-cut trenching, temporary stockpiling dredge material, or hydrostatic testing of a pipeline involving water withdrawals in designated anadromous fish use areas is proposed. For project sites within anadromous fish use areas, time-of-year restrictions (TOYRs) from February 15 through June 30 of any given year may apply, unless coordination with NOAA and/or the DWR results in a different TOYR or none.

7. Aerial Transmission Lines Crossing Navigable Waters:

- a. 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.

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

b. 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 otherwise specifically authorized by the District Engineer.

c. 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.

8. For utility lines landing in Virginia, from the Outer Continental Shelf (OCS), the applicant shall send the PCN to the following federal agencies:

Director, Naval Seafloor Cable Protection Office  
 Naval Facilities Engineering Command  
 1322 Patterson Ave SE, Suite 1000  
 Washington DC 20374

Bureau of Ocean Energy Management (BOEM)  
 Atlantic OCS Region  
 1201 Elmwood Park Blvd.  
 New Orleans, LA 70123-2394.

9. For utility line projects completed by horizontal directional drilling or other boring methods, a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures needs to be included with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required for the original work.

10. When an intake is proposed in designated anadromous fish waters, the following design parameters will be incorporated as permit conditions to protect the sensitive life stages of anadromous fish:
  - a. Screening over the mouth of the intake with mesh size that does not exceed 1mm;
  - b. Intake velocities that do not exceed 0.25 feet per second;
  - c. Intake must be positioned such that an unimpeded flow of water parallel to the screen surface occurs along the entire surface of the screen to take advantage of sweeping velocity.

**RC 33. Applicable to NWP 58 - Utility Line Activities for Water and Other Substances:**

1. Construction of access roads may not cause the loss of more than 1/3 acre of waters of the United States.
2. A PCN is required when the activity involves greater than 0.10 acres of mechanized landclearing in a forested wetland for the utility line right-of-way.
3. For utility activities requiring a PCN the permittee shall provide the following information:
  - a. A map of the entire utility corridor to assist with our completeness determination. The map should include a delineation of all wetlands and waters of the United States within the corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g., PFO, PEM, POW, etc.).
  - b. An analysis of onsite minimization, which specifically addresses the following:
    - i. Selection of an alignment which avoids and minimizes wetland and stream impacts to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling should be reviewed as an option. However, the Norfolk District recognizes that in certain areas (e.g., karst areas) directional drilling may not be the environmentally preferred option.
    - ii. Selection of an alignment which avoids fragmenting large tracts of forested wetlands by routing utility lines outside of forested tracts or on the edges of forested tracts. Consult the Virginia Conservation Vision, a GIS analysis for identifying and prioritizing areas of un-fragmented natural cover in Virginia: <http://www.dcr.virginia.gov/natural-heritage/vaconvision>.

- iii. Minimizing clearing of wetlands. Grubbing shall be limited to the permanent easement for underground utility lines. Outside of the permanent easement, wetland vegetation shall only be removed at or above the ground surface unless written justification is provided, and the impacts are reviewed and approved by the Corps.
    - iv. For overhead utility lines, allowance of natural succession to restore and maintain the corridor in scrub-shrub wetlands except for a minimum corridor needed for access, to the maximum extent practicable.
    - v. For buried utility lines, allowance of natural succession to restore the wetland area to tree and scrub/shrub except for a 20-foot-wide access corridor, to the maximum extent practicable.
  - c. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
- 4. For all submerged and overhead utility lines across navigable waters of the United States, a location map and cross-sectional view showing the utility line crossing from bank to bank is required, including the proposed burial depth (in feet relative to mean low water) or minimum clearance height (feet) per 33 CFR § 322.5(i). In addition, the location and maximum authorized depths of any federal navigation channels must be shown in relation to the proposed utility line on the plan view and cross-section view of the project plans. The locations of Norfolk District Federal Projects can be found on the Norfolk District Section 408 Program webpage at <https://www.nao.usace.army.mil/408Review/> via the Norfolk District Section 408 Map. Section 408 permission will be required pursuant to 33 U.S.C. § 408 for any utility lines that cross over or under a federal project. Any utility lines crossing under a federal navigation channel must be buried to a minimum depth to mitigate potential impacts to navigation and/or the operation and maintenance of the federal project. Specific minimum depth requirements under the federal channel and side slopes, and within the vicinity of the channel outside the side slopes must be coordinated with the Norfolk District Section 408 Coordinator and as part of the required Section 408 request. It is recommended that all utility line crossings be designed to allow for adequate depths or other protective measures installed below the maximum authorized dredge depths of the federal project and side slopes to avoid impacts during dredging work and to protect the utility line from unintended damage from dredging, anchors and/or other equipment and vessels. Please contact the Norfolk District Section 408 Coordinator at [nao.section408@usace.army.mil](mailto:nao.section408@usace.army.mil) for more information and maximum authorized depths for specific federal navigation projects or other federal project footprints.
- 5. Whenever practicable, excavated material shall be placed on a Corps confirmed upland site, scow or barge. However, when this is not practicable, temporary stockpiling in wetlands is hereby authorized provided that:

- a. All excavated material stockpiled in a vegetated wetland area is placed on filter cloth, mats, or some other semi-permeable surface. The material will be stabilized with straw bales, filter cloth, etc. to prevent reentry into any waterway.
  - b. All excavated material must be placed back into the trench to the original contour and all excess excavated material must be completely removed from the wetlands within 30 days after the pipeline has been laid through the wetland areas. Permission must be granted by the Norfolk District Commander if the material is to be stockpiled longer than 30 days.
6. The applicant must receive written verification before performing the work when open-cut trenching, temporary stockpiling dredge material, or hydrostatic testing of a pipeline involving water withdrawals in designated anadromous fish use areas is proposed. For project sites within anadromous fish use areas, time-of-year restrictions (TOYRs) from February 15 through June 30 of any given year may apply, unless coordination with NOAA and/or the DWR results in a different TOYR or none.
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1201 Elmwood Park Blvd.  
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8. For utility line projects completed by horizontal directional drilling or other boring methods, a plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures needs to be included with the PCN (if a PCN is required). If an inadvertent return of drilling fluids to waters of the U.S. occurs, and the remediation requires work within waters of the U.S., then the applicant must notify the Corps immediately and submit a remediation plan as soon as possible, regardless of whether a PCN was required for the original work.
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