

Enclosure 1

Final 2017 Nationwide Permit Suspensions for the State of Maryland, the Commonwealth of Pennsylvania, the District of Columbia and for Fort Belvoir, Fort Myer, and the Pentagon in Virginia

I. Commonwealth of Pennsylvania

A. The following NWP's are **suspended** in the Commonwealth of Pennsylvania, except in those areas and activities enumerated in Section I.B. below:

NWP 1: Aids to Navigation

NWP 4: Fish and Wildlife Harvesting, Enhancement, & Attraction Devices and Activities

NWP 5: Scientific Measurement Devices

NWP 7: Outfall Structures and Associated Intake Structures

NWP 10: Mooring Buoys

NWP 11: Temporary Recreational Structures

NWP 12: Utility Line Activities

NWP 13: Bank Stabilization

NWP 14: Linear Transportation Projects

NWP 15: U.S. Coast Guard Approved Bridges

NWP 18: Minor Discharges

NWP 19: Minor Dredging

NWP 20: Response Operations for Oil and Hazardous Substances

NWP 25: Structural Discharges

NWP 26: [Reserved]

NWP 29: Residential Developments

NWP 33: Temporary Construction, Access, and Dewatering

NWP 34: Cranberry Production Activities

NWP 36: Boat Ramps

NWP 37: Emergency Watershed Protection and Rehabilitation

NWP 39: Commercial and Institutional Developments

NWP 40: Agricultural Activities

NWP 41: Reshaping Existing Drainage Ditches

NWP 42: Recreational Facilities

NWP 43: Stormwater Management Facilities

NWP 45: Repair of Uplands Damaged by Discrete Events

NWP 46: Discharges in Ditches

NWP 47: [Reserved]

NWP 51: Land-Based Renewable Energy Generation Facilities

NWP 53: Removal of Low-Head Dams

NWP 54: Living Shorelines

B. This suspension of the NWP's listed in Part I.A of this Special Public Notice is **not applicable** within the Commonwealth of Pennsylvania geographic boundaries for the following:

a. Part III.A.5 of the PASPGP-5 lists certain ineligible waterways for which PASPGP authorization is not available. Therefore, consistent with the processes outlined in Part V.D of the PASPGP-5 (or its successor) and the NWP's, NWP authorization may be available for activities that include activities located channelward of the ordinary high water line (OHWL) on non-tidal waters and/or the mean high water line (MHWL) on tidal waters on the following water bodies in Pennsylvania):

1. The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania;
2. The Schuylkill River downstream of the Fairmount Dam in Philadelphia, Pennsylvania;
3. All of the Ohio River;
4. All of the Beaver River;
5. All of the Little Beaver River;
6. All of the Mahoning River;
7. All of the Monongahela River;
8. The Youghiogony River, from its mouth at McKeesport, Pennsylvania to river mile 31.2 at Layton, Pennsylvania;
9. The Allegheny River, from its mouth in Pittsburgh, Pennsylvania to river mile 197.4 at Kinzua Dam, north of Warren, Pennsylvania;
10. The Kiskiminetas River, from its mouth near Freeport, Pennsylvania to river mile 26.8 at Saltsburg, Pennsylvania;
11. Tenmile Creek, from its mouth at Millsboro, Pennsylvania to river mile 2.7; and
12. Lake Erie activities which require submittal of a Pennsylvania Department of Environmental Protection (PADEP) Joint Permit Application (JPA) or Environmental Assessment (EA) to the PADEP. For Lake Erie, the OHWM is located at elevation 573.4.

b. Nationwide Permit Activities 7, 11, 12, 14, 15, 18, 19, 25, and 33 when the regulated activity or area of indirect impact (secondary impact) is not wholly located within the Commonwealth of Pennsylvania, i.e. the regulated activity extends across state boundaries.

II. State of Maryland

A. The suspension of the NWP's listed in section II.B of this notice is **not applicable** within the State of Maryland in certain wetlands and other waters of the United States near the Chesapeake and Delaware Canal. These areas include Back Creek (of the Chesapeake and

Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways. These exempted areas fall within the U.S. Army Corps of Engineers (Corps) Philadelphia District's regulatory geographic boundaries. The Philadelphia District has restricted the use of NWP 12, NWP 35, and NWP 36 within these areas near the Chesapeake and Delaware Canal.

B. The following NWPs are **suspended** in the State of Maryland:

- NWP 1: Aids to Navigation
- NWP 2: Structures in Artificial Canals
- NWP 3: Maintenance (except for 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)
- NWP 5: Scientific Measurement Devices
- NWP 6: Survey Activities
- NWP 7: Outfall Structures and Associated Intake Structures
- NWP 9: Structures in Fleeting and Anchorage Areas
- NWP 10: Mooring Buoys
- NWP 11: Temporary Recreational Structures
- NWP 12: Utility Line Activities
- NWP 13: Bank Stabilization
- NWP 14: Linear Transportation Projects
- NWP 15: U.S. Coast Guard Approved Bridges
- NWP 16: Return Water from Upland Contained Disposal Areas
- NWP 18: Minor Discharges
- NWP 19: Minor Dredging
- NWP 21: Surface Coal Mining Activities
- NWP 24: Indian Tribe or State Administered Section 404 Programs
- NWP 26: [Reserved]
- NWP 28: Modifications of Existing Marinas
- NWP 29: Residential Developments
- NWP 33: Temporary Construction, Access and Dewatering
- NWP 34: Cranberry Production Activities
- NWP 35: Maintenance Dredging of Existing Basins
- NWP 36: Boat Ramps
- NWP 39: Commercial and Institutional Developments
- NWP 40: Agricultural Activities
- NWP 41: Reshaping Existing Drainage Ditches
- NWP 42: Recreational Facilities
- NWP 43: Stormwater Management Facilities
- NWP 44: Mining Activities
- NWP 45: Repair of Uplands Damaged by Discrete Events

- NWP 46: Discharges in Ditches
- NWP 47: [Reserved]
- NWP 49: Coal Remining Activities
- NWP 50: Underground Coal Mining Activities
- NWP 51: Land-Based Renewable Energy Generation Facilities
- NWP 52: Water-Based Renewable Energy Generation Pilot Projects (except for activities in tidal navigable waters of the United States)
- NWP 54: Living Shorelines

III. District of Columbia

A. The Following NWPs are **suspended** within the District of Columbia:

- NWP 21: Surface Coal Mining Activities
- NWP 34: Cranberry Production Activities
- NWP 48: Aquaculture Activities
- NWP 49: Coal Remining Activities
- NWP 50: Underground Coal Mining Activities

IV. Military Installation of Northern Virginia within the Regulatory geographic boundaries of the Baltimore District.

A. The NWPs are not suspended for Fort Myer, Fort Belvoir, and the Pentagon.

V. Suspension will terminate the Corps' ability to verify any new projects under one of the suspended NWPs unless and until the Chief of Engineers or the appropriate District or Division Engineer makes a determination to the contrary pursuant to 33 C.F.R. § 330.4 or § 330.5.

For more information regarding the final regional conditions and the suspension of Nationwide Permits, contact Ms. Beth E. Bachur, CENAB-OP-R, at (410) 962-4336, or email at Beth.Bachur@usace.army.mil.