



US Army Corps  
of Engineers®

# SPECIAL PUBLIC NOTICE

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**Baltimore, Philadelphia and Pittsburgh Districts  
ANNOUNCING THE FINAL REGIONAL CONDITIONS AND  
SUSPENSIONS FOR THE 2026 NATIONWIDE PERMITS**

The purpose of this special public notice is to inform the public of the issuance of the final regional conditions applicable to Nationwide Permit (NWP) activities in the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia. Furthermore, this special public notice announces the suspension of various NWPs in the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia.

On January 8, 2026, the U.S. Army Corps of Engineers (Corps) published a final action in the *Federal Register* (91 FR 786) announcing the reissuance of 56 existing Nationwide Permits (NWPs), the issuance of one new NWP, and the decision to not reissue one NWP.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. These NWPs will go into effect on March 15, 2026, and will expire on March 15, 2031. More information on the 2026 NWPs and the January 8, 2026, *Federal Register* (91 FR 786) notice is available on the Corps Headquarters website at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits>.

**Regional Conditions and Suspensions:** The Baltimore, Pittsburgh, and Philadelphia Districts proposed regional conditions for the NWPs and solicited public comments thereon, in Special Public Notice (SPN) #25-30 dated June 18, 2025. In addition, the Districts proposed suspension of certain NWPs because the current State Programmatic General Permits (SPGPs) in Maryland and Pennsylvania provide comparable authorization for these NWPs.

The Baltimore District will post the final regional conditions and suspensions for these 2026 NWPs (91 FR 786) on the Regulatory webpage at: <https://www.nab.usace.army.mil/Missions/Regulatory/Nationwide-Permits/>. In addition, the following enclosures to this special public notice provide the final regional conditions and suspensions by State for the final 2026 NWPs:

Enclosure 1 - Suspensions of the 2026 NWPs for the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia

Enclosure 2 - Regional Conditions to the 2026 NWPs for the State of Maryland

Enclosure 3 - Regional Conditions to the 2026 NWP's for the Commonwealth of Pennsylvania

Enclosure 4 - Regional Conditions to the 2026 NWP's for the District of Columbia

The Baltimore District's area of responsibility includes the Northern Virginia Military Installations (Fort Belvoir, Fort Myer, and the Pentagon). The Regional Conditions for these military installations are covered by the Norfolk District Regional Conditions for Virginia and can be found at <https://www.nao.usace.army.mil/Missions/Regulatory-Branch/Regulatory-Permits/>.

**Grandfathering:** For permittees currently holding written 2021 NWP verification letters for activities under any of the NWP's replaced by this final action, if you have commenced or are under contract to commence the activity before March 15, 2026, that verification letter continues to be in effect until March 14, 2027, as long as the verified 2021 NWP activities continue to comply with the terms and conditions of the 2026 NWP's issued in this final action, or the district engineer specified a different expiration date in the NWP verification letter or modifies, suspends, or revokes a specific NWP authorization.

**Concurrences and Certifications:** On December 18, 2025, the State of Maryland conditionally granted Clean Water Act Section 401 Water Quality Certification (401 WQC) and Coastal Zone Management Act (CZMA) consistency concurrence for the 2026 NWP's subject to this final action. All 401 WQC and CZMA conditions for these 41 NWP's were incorporated into these regional conditions for the 41 NWP's in Maryland.

The Commonwealth of Pennsylvania conditionally granted 401 WQC on December 11, 2025, and CZMA consistency concurrence on September 18, 2025, for the 2026 NWP's subject to this final action. The conditions in the 401 WQC and CZMA for the issuance of the NWP's have been incorporated as regional conditions of the NWP's in Pennsylvania, in accordance with Section 401(d) of the Clean Water Act. Please see Pennsylvania regional general conditions II.H and II.I. For those activities requiring 401 WQC and CZMA, if an applicant cannot or will not comply with one or more conditions of this 401 WQC or CZMA, then the applicant would be required to obtain an activity-specific 401 WQC or waiver thereof and/or an individual CZMA consistency concurrence or presumption of concurrence for the specific activity.

On December 17, 2025, the Corps received the District of Columbia's denial of water quality certification for issuance of certain NWP's, thus requiring an individual water quality certification for these NWP's. Of the 2026 NWP's announced in the final action, the District of Columbia's 401 WQC denial applies to NWP's 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, and 60. In accordance with the U.S. Environmental Protection Agency's current water quality certification regulations at 40 CFR Part 121, the Baltimore District has reviewed the denial by the District of Columbia for these NWP's and has determined that the denial satisfies the requirements

set forth in 40 CFR 121.7(e). In accordance with the Corps' regulations at 33 CFR 330.4(c), the Corps has denied authorization for those activities without prejudice until the certifying authority issues an individual 401 WQC or waives the right to do so. Anyone wanting to perform activities under these NWP's in the District of Columbia must first obtain an activity-specific 401 WQC or waiver. Denial of 401 WQC for any specific NWP affects only those activities which may result in a discharge. The Corps did not request certification for NWP's 1, 2, 8, 9, 10, 11, 24, 28, 35, and 55, as they do not require 401 WQC because they would authorize activities which, in the opinion of the Corps, could not reasonably be expected to result in a discharge into waters of the United States. In the case of NWP 8, the NWP only authorizes activities seaward of the territorial seas. NWP's 21, 34, 44, 48 and 49 are suspended in the District of Columbia. The District of Columbia does not participate in the Coastal Zone Management Act.

This Special Public Notice has also been posted in the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. Questions regarding this matter should be directed to Ms. April Sparkman by telephone at (410) 962-0148 or by email at [april.e.sparkman@usace.army.mil](mailto:april.e.sparkman@usace.army.mil).

This public notice is issued by the Baltimore District Chief, Regulatory Division.

**Final 2026 Nationwide Permit (90 FR 26100) Suspensions for the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia**

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: Oil or Natural Gas Pipeline 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 and Irrigation 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

NWP 57: Electric Utility Line and Telecommunications Activities

NWP 58: Utility Line Activities for Water and Other Substances

NWP 59: Water Reclamation and Reuse Facilities

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:

1. Areas within Pittsburgh District's area of responsibility in the Commonwealth of Pennsylvania. Please see the website below for the Regulatory boundaries of the Pittsburgh District. [https://geospatial-lrp.usace.army.mil/PDFs/District/lrpmap\\_c1\\_regulatory\\_letter\\_20240426.pdf](https://geospatial-lrp.usace.army.mil/PDFs/District/lrpmap_c1_regulatory_letter_20240426.pdf)

The Pittsburgh District can be reached at the following email and phone numbers for more information.

Pittsburgh Regulatory Branch email: [regulatory.permits@usace.army.mil](mailto:regulatory.permits@usace.army.mil)

Phone: (412) 395-7155

2. NWP authorization may be available for activities located channelward of the ordinary high-water mark on non-tidal waters and/or the high tide line and the mean high-water mark on tidal waters on the following water bodies in Pennsylvania:

a) The Delaware River.

b) The Schuylkill River downstream of the Fairmount Dam in Philadelphia, Pennsylvania

3. Activities where 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 for the following:

1. 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.

2. Activities where the regulated activity or area of indirect impact (secondary impact) is not wholly located within the State of Maryland, i.e., the regulated activity extends across state boundaries.

B. The following NWP's are **suspended** in the State of Maryland, except in the areas described in Section II.A above:

- 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: Oil or Natural Gas Pipeline Activities
- NWP 13: Bank Stabilization
- NWP 14: Linear Transportation Projects
- NWP 16: Return Water from Upland Contained Disposal Areas
- NWP 18: Minor Discharges
- NWP 19: Minor Dredging
- NWP 21: Surface Coal Mining Activities
- 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
- NPW 39: Commercial and Institutional Developments
- NWP 40: Agricultural Activities
- NWP 41: Reshaping Existing Drainage Ditches and Irrigation 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
- NWP 57: Electric Utility Line and Telecommunications Activities
- NWP 58: Utility Line Activities for Water and Other Substances

## NWP 59: Water Reclamation and Reuse Facilities

### 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 44: Mining Activities
- NWP 48: Aquaculture Activities
- NWP 49: Coal Remining Activities
- NWP 50: Underground Coal Mining Activities
- NWP 55: Seaweed Mariculture Activities

IV. Military Installations of Northern Virginia within the Regulatory geographic boundaries of the Baltimore District (i.e., Fort Myer, Fort Belvoir, and the Pentagon).

A. The NWPs are **not suspended** for Fort Myer, Fort Belvoir, and the Pentagon. Please refer to the Norfolk District's final regional conditions applicable to Virginia (including northern Virginia military installations within the Baltimore District's area of responsibility) (<https://www.nao.usace.army.mil/Missions/Regulatory/>).

V. Suspension will terminate the Corps' ability to verify any new projects under any 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. Alexis Kolarz at (410) 962-3411 or by email at [alexis.l.kolarz@usace.army.mil](mailto:alexis.l.kolarz@usace.army.mil).

**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 unobstructed 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 chartered 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-constriction 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:

<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

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](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 NWP's 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 NWP's 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 NWP's 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](mailto: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

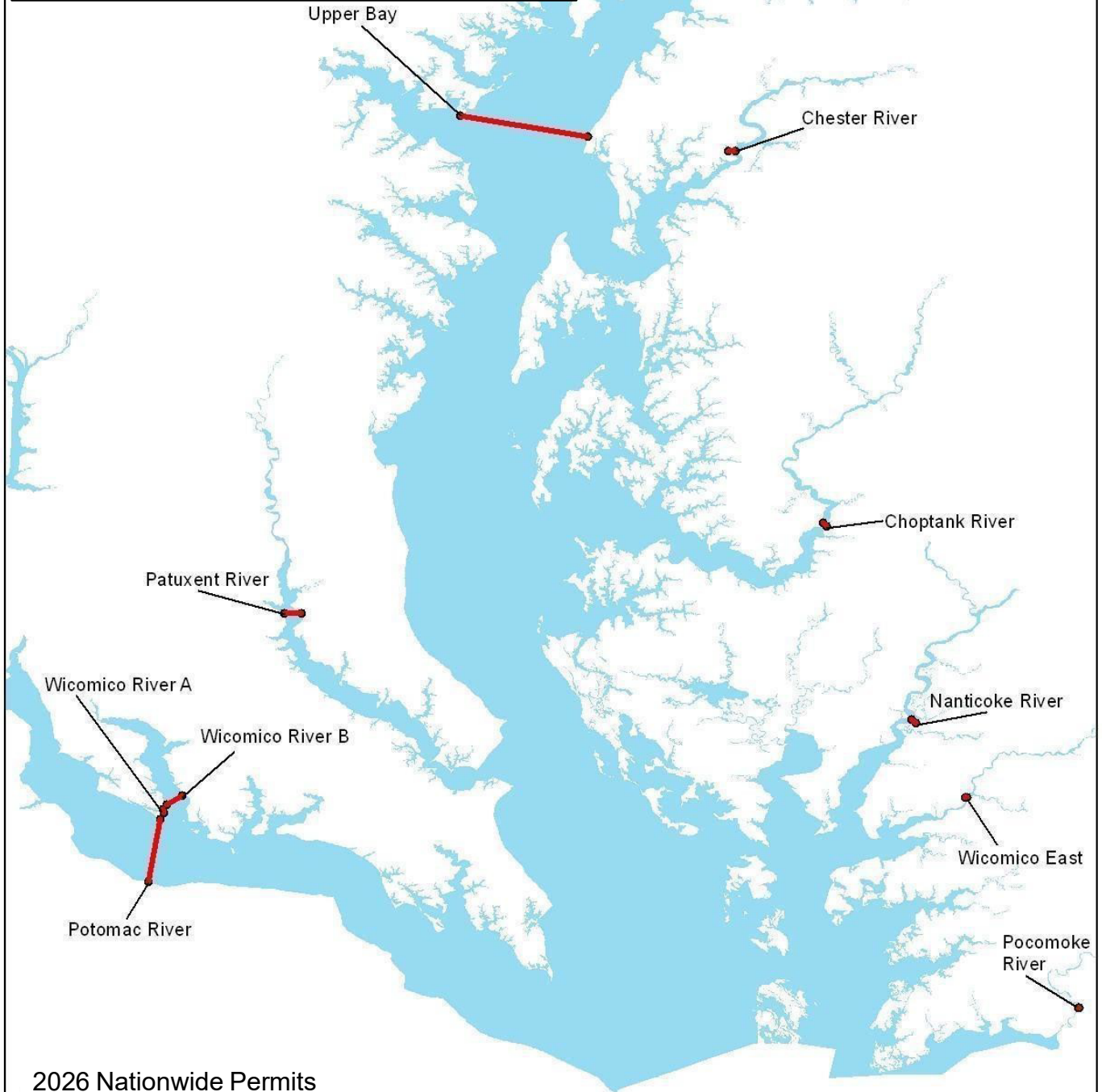
Natural Resources Conservation Service – USDA: local service centers  
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/md/contact/local/#Baltimore>

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

2026 Nationwide Permits (NWP) - Maryland Chesapeake Bay

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 NWPs 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

**APPENDIX 6**  
**REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS IN**  
**THE COMMONWEALTH OF PENNSYLVANIA**

**I. Regional Conditions Applicable to Specific Nationwide Permits within the Commonwealth of Pennsylvania:**

**A. Nationwide Permit 3 Maintenance:**

For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania<sup>1</sup>, the permittee must submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) prior to commencing the activity for all tide gate replacements where a self-regulating tide gate is not being proposed. Self-regulating tide gates should allow 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 that the waterway above the proposed gate does not currently support diadromous fish migrations. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**B. Nationwide Permit 5 Scientific Measurement Devices:**

The construction or installation of subaqueous turbines or similar facilities is not authorized by this Nationwide Permit.

**C. Nationwide Permit 6 Survey Activities:**

1. Use of in-water explosives is not authorized under this Nationwide Permit.

2. The permittee shall ensure that all in-stream exploratory trenching is conducted under dry conditions and returned to preconstruction conditions and elevations. To ensure the impacts to streambeds are temporary and no more than minimal, native clean material excavated from the trench shall be used to backfill. All unsuitable/excess excavated material not used as backfill shall be removed from the stream/river bottoms and disposed of at an upland disposal site.

**D. Nationwide Permit 7 Outfall Structures and Associated Intake Structures:**

The following regional conditions are applicable only to the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

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<sup>1</sup> District Boundaries can be found at the weblinks listed in Special Note 1.

1. Intake structures should be equipped with “wedge wire” screening or another material of equal or better performance with mesh opening sizes of 1 millimeter (mm) or less. In addition, intake velocities should not exceed 0.5 feet per second. This condition may be waived by the District Engineer if an applicant proposes to utilize new or improved technologies that meets or exceeds the “wedge wire” design technology. The District Engineer will coordinate review of the request for a waiver with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. The intake structure shall be positioned such that its design minimizes impingement and entrainment of aquatic species where feasible. This would include efforts that result in stream velocities over, around or past the intake structure that exceed the velocities through the intake structure.

**E. Nationwide Permit 10 Mooring Buoys:**

1. Water depths in the mooring area must be sufficient so that any moored vessels float at all stages of the tide or mean low water.

2. Mooring buoys are prohibited in areas with observed submerged aquatic vegetation (SAV) or mapped as SAV habitat. Mapped SAV habitat can be found at the following link:

<https://experience.arcgis.com/experience/33c8ad40e1b84588bc2adf50ce99e58f>.

**F. Nationwide Permit 11 Temporary Recreational Structures:**

1. Prior to doing the work, permittees must submit a Pre-Construction Notification to the District Engineer. (See General Condition 32 and Regional General Condition 32).

2. Water depths in mooring areas must be sufficient so that any moored vessels float at all stages of the tide or mean low water.

3. This Nationwide Permit (NWP) does not authorize the placement of any temporary structures in any areas with observed containing submerged aquatic vegetation (SAV) or mapped as SAV habitat. Mapped SAV habitat can be found at the following link:

<https://experience.arcgis.com/experience/33c8ad40e1b84588bc2adf50ce99e58f>.

4. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, NWP #11 is applicable only to structures associated with discrete or specific recreational events.

**G. Nationwide Permit 12 Oil or Natural Gas Pipeline Activities, Nationwide Permit 57 Electric Utility Line and Telecommunications Activities, and Nationwide Permit 58 Utility Line Activities for Water and Other Substances:**

Prior to commencing the activity, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (See NWP General Condition 32 and Regional General Condition 32).

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that:

a. All temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is approved by the District Engineer.

2. The PCN shall include the following additional information:

a. For all submerged pipelines, cables, and utility lines across navigable waters of the United States: A location map and cross-sectional view drawing showing the pipeline, cable, or utility line crossing from bank to bank in relationship to the waterway bottom.

b. For pipeline, cable, and utility line projects completed by horizontal directional drilling or other boring methods: The PCN will include a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the United States. Necessary for the remediation of inadvertent returns of drilling fluids. If an inadvertent return occurs, and the remediation requires work within waters of the United States. that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible.

c. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The pipeline, cable, or utility line should make a perpendicular crossing of a stream when feasible. Horizontal directional drilling shall be reviewed as an option where feasible.

d. For projects that cross federal navigation channels, all pipelines, cables, and utility lines shall be buried the minimum depth below the authorized depth of the federal navigation channel consistent with the District's requirements. Section 408 permission will be required. For Philadelphia District – see condition #5 below.

For Baltimore District:

<https://www.nab.usace.army.mil/portals/63/docs/regulatory/pubs/spn11-17.pdf>; For

Pittsburgh District:

<https://www.lrd.usace.army.mil/Missions/Regulatory/Pennsylvania/#Navigable%20Waterways>.

3. Regional Conditions specific to the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

a. For Buried Pipelines, Cables, and Utility Lines Across the Delaware River Federal Navigation Channel: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of 25 feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of 15 feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

b. For Buried Pipelines, Cables, and Utility Lines Across the Schuylkill River Federal Navigation Channel: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of 20 feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of 10 feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation.

c. For Buried Pipelines, Cables, and Utility Lines Across "ALL OTHER" Federal Navigation Channels: The top of the pipeline, cable, or utility line crossing the federal navigation channel shall be located a minimum of **6** feet below the authorized navigation channel depth and shall be backfilled with suitable heavy materials to the adjacent river bottom elevation. In areas outside the federal navigation channel, the top of pipeline, cable, or utility line shall be located a minimum of **4** feet below existing river bottom elevation and shall be backfilled with suitable material to the adjacent river bottom elevation. ([http://www.nap.usace.army.mil/Missions/Civil- Works/Surveys/Projects/](http://www.nap.usace.army.mil/Missions/Civil-Works/Surveys/Projects/)).

#### **H. Nationwide Permit 13 Bank Stabilization:**

The following regional conditions are applicable only to the Philadelphia District Regulatory Area of Responsibility in Pennsylvania:

1. Any activity requiring a Pre-Construction Notification (PCN) to the District Engineer that does not utilize bioengineering, vegetative stabilization, or combinations of vegetative and structural bank stabilization methods must include an analysis demonstrating that such measures were not practicable and/or appropriate.

2. This Nationwide Permit may not be used to authorize any stabilization activity where no demonstrable erosion or threat of erosion is evident.

3. A PCN shall be provided to the Corps for all in-water structures, such as bioengineering, break waters, sills, gabion baskets, wave attenuation devices (WADs), or any combinations of bank stabilization techniques, placed offshore of the bank for the purpose of erosion control or prevention. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**I. Nationwide Permit 14 Linear Transportation Projects:**

1. Prior to doing the work, permittees shall submit a Pre-Construction Notification to the District Engineer, (see NWP General Condition 32 and Regional General Condition 32) if a Section 10 permit is required.

2. For activities located in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, stream or open water crossings shall be designed to maintain continuity of existing benthic habitats and to maintain existing stream flow patterns. This can be achieved through the use of elevated structures, bottomless culverts, or by depressing culverts below the stream bottom. This design requirement must include a site-specific evaluation of the particular stream or water body to determine if it is experiencing erosion or sedimentation rates that would alter the bottom elevation. Where a series of culverts are used, only those cells or culverts, which carry the base stream flow, shall be depressed. The bottom of any other culverts or cells shall be raised to pass and maintain existing and expected high flows. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.

**J. Nationwide Permit 18 Minor Discharges:**

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

**K. Nationwide Permit 19 Minor Dredging:**

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

**L. Nationwide Permit 23 Approved Categorical Exclusions:**

Prior to commencing the activity, permittees shall submit a Pre-Construction Notification to the District Engineer. (See NWP General Condition 32 and Regional General Condition 32).

**M. Nationwide Permit 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities:**

1. Prior to commencing the activity, permittees 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 for shellfish, is restricted to shellfish species that are native to that waterbody.

3. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**N. Nationwide Permit 28 Modifications of Existing Marinas:**

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

2. For projects in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to those marinas previously reviewed and approved by the District Engineer through the Individual Permit process.

**O. Nationwide Permit 30 Moist Soil Management for Wildlife:**

Prior to commencing the activity, permittees must submit a Pre-Construction Notification to the District Engineer. (See NWP General Condition 32 and Regional General Condition 32).

**P. Nationwide Permit 35 Maintenance Dredging of Existing Basins:**

1. Permittees must submit a Pre-Construction Notification to the District Engineer. (See NWP General Condition 32 and Regional General Condition 32).

2. For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, this Nationwide Permit is only applicable to maintenance dredging of existing basins previously reviewed and approved by the District Engineer through the Individual Permit process.

**Q. Nationwide Permit 38 Cleanup of Hazardous and Toxic Waste:**

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service- Habitat and Ecosystem Services Division.

**R. Nationwide Permit 48 Commercial Shellfish Mariculture Activities:**

For activities in the Philadelphia District Regulatory Area of Responsibility in Pennsylvania, prospective permittees must submit a Pre-construction Notification (PCN) to the District Engineer for all activities in waters of the United States. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

1. Any introduced shellfish must be indigenous to the area and must be certified under any state standards as being disease and parasite free.

2. Predator control devices (i.e., mesh fences, mesh nets, and mesh tents) suspended or erected vertically or obliquely in the water column to surround or enclose shellfish containment gear is prohibited.

3. All structures associated with the mariculture activity must be removed from waters of the United States when/if the activity is abandoned.

4. Use of unsuitable materials for shellfish seeding (i.e., asphalt, bituminous concrete slag, tires, wallboard, plastic, wood, metal, crushed glass, and garbage) is prohibited.

5. Each individual cage and/or bag shall be directly tagged to display the owner's name, address, lease location and United States Army Corps of Engineers permit number.

6. 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.

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

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania the District Engineer will coordinate review of all Pre- Construction Notifications (PCNs) with the federal and state resource agencies.

**T. Nationwide Permit 53 Removal of Low-Head Dams:**

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, the District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**U. Nationwide Permit 54 Living Shorelines:**

For activities located in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania:

1. The District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. Fill or dredged material used for the purpose of establishing or re-establishing a vegetative plane must be of appropriate grain size to support plant growth and development.

3. Sills shall be constructed of riprap, gabion baskets, or clean broken concrete free of metal and re-bar. Alternative materials may be considered for use at the discretion of the District Engineer.

4. Sills shall be designed with at least one 5-foot window/gap per property and per every 100 linear feet of sill unless waived by the District Engineer.

5. The sill height shall be a maximum of +1 foot above mean high water and should be placed at a distance no greater than 30 feet from mean low water to the landward peak side of the sill unless waived by the District Engineer.

6. The total amount of vegetated wetlands which may be filled, graded, or excavated, in square feet, may not exceed the acreage of living shoreline establishment or re-establishment unless the District Engineer waives this criterion by making a written determination concluding that the project will result in minimal adverse effects. All temporary impacts to sub-tidal, inter-tidal, and/or existing wetland vegetation shall be restored to previous conditions and may require a wetland planting plan.

7. If the proposed project results in temporary impacts to existing wetland vegetation, then the permittee shall monitor the re-establishment of wetland vegetation until such time as the vegetation meets pre-disturbance conditions (i.e., coverage and density). If the wetland is not restored to previous conditions within two complete growing seasons, the permittee shall provide a modification request to the Corps and may be required to provide compensatory mitigation.

**V. Nationwide Permit 55 Seaweed Mariculture Activities:**

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, the District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**W. Nationwide Permit 57 Electric Utility Line and Telecommunications Activities:**

See Regional Conditions in G. above.

**X. Nationwide Permit 58 Utility Line Activities for Water and Other Substances:**

See Regional Conditions in G. above.

**Y. Nationwide Permit 60 Activities to Improve Passage of Fish and Other Aquatic Organisms:**

For activities in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania, the District Engineer will coordinate review of all Pre-Construction Notifications (PCNs) with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

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

**Note:** To qualify for Nationwide Permit (NWP) authorization, the 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 terms and conditions found in the issuance and reissuance of the NWPs published in the *Federal Register* on June, 18 2025 (90 FR 26100), and any activity-specific verification conditions imposed by the Corps.

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

1. Diadromous Fish Time-of-Year Restriction

For activities in the Philadelphia District Regulatory Area of Responsibility, in order to protect diadromous fish migrations, spawning activities, and EFH, in-water work shall be avoided in accordance with the following time of year restrictions, unless otherwise authorized by the District Engineer through the PCN process:

a. To protect diadromous fish migrations and spawning, in the Delaware River main stem from the Pennsylvania and Delaware State Borders to the U.S. Route 1 Bridge, in Morrisville, and ALL tributaries within this reach, in-water

work shall be avoided from **March 1 to June 30**. This time of year restriction is not applicable to waters of the United States located upstream of an obstruction that precludes fish passage.

b. To protect diadromous fish migrations and spawning in the Delaware River mainstem above the U.S. Route 1 Bridge, in Morrisville, and ALL tributaries north of this point, in-water work shall be avoided from **March 1 to July 31**. This time of year restriction is not applicable to waters of the United States located upstream of an obstruction than precludes fish passage.

c. Work within cofferdams that fully enclose and dewater the project area can proceed any time during the year provided that the cofferdams are installed and removed outside of the seasonal work restriction and do not preclude the free movement of migrating and spawning aquatic species to ensure compliance with NWP General Condition 2 and 3.

d. A request for waiver from these timing restrictions may be requested by submitting a PCN to the Corps and shall include a written statement that clearly describes one or more of the following: (1) why the use of cofferdams cannot be implemented; (2) evidence documenting the waterway does not or has not historically supported migrations and/or spawning habitat; (3) what additional measures have been taken or are being proposed to avoid impacts; (4) and, why the activity must be conducted within the restricted time periods. Cost and logistics along will not be sufficient. The Corps shall coordinate the request with the NMFS

2. Anadromous Fish Time-of Year Restriction. This condition applies to NWP's 3a, 3b, 17, 22, 23, 27, 28, 31, 35, 38, 49, 55, and 60.

For activities in the Baltimore District area of responsibility, in order to protect spawning habitat or a migratory pathway for anadromous fish, in-water work shall be avoided in accordance with the following time of year restriction, unless otherwise authorized by the District Engineer through the PCN process:

a. To protect anadromous fish species in the Susquehanna River main stem upstream from the Safe Harbor Dam and downstream from the Sundbury Dam, in-water work shall be avoided from **March 1 to June 30**.

b. Work within cofferdams that fully enclose and dewater the project area can proceed any time during the year provided that the cofferdams are installed and removed outside of the seasonal work restriction and do not preclude the free movement of migrating and spawning aquatic species to ensure compliance with NWP General Condition 2 and 3.

c. A request for waiver from these timing restrictions may be requested by submitting a PCN to the Corps and shall include a written statement that clearly describes one or more of the following: (1) why the use of cofferdams cannot be implemented; (2) what additional measures have been taken or are being proposed to avoid impacts; (3) and, why the activity must be conducted within the restricted time periods. Cost and logistics along will not be sufficient. The Corps shall coordinate the request with the NMFS.

3. For activities in the Philadelphia and Baltimore Districts area of responsibility, 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 and coordination with the National Marine Fisheries Service – Habitat and Ecosystem Services Division. Extensions 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. The Corps shall provide a copy of the PCN, including the supporting documentation, to the NMFS for any culvert which cannot be depressed as outlined in this Regional General Condition 2 for Aquatic Life Movements. 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 #16 Wild and Scenic Rivers:**

1. Permittees must provide a PCN if a proposed NWP activity will occur in the following officially designated National Wild and Scenic Rivers:

a. Allegheny River, from the Kinzua Dam mile 197.2, downstream approximately 7 miles to US Route 6 Bridge, at mile 190.7, in Warren, then from the Buckaloons Recreation Area in Allegheny National Forest at mile 181.7 downstream 47 miles to Alcorn Island just north of Oil City at river mile 133.7, and then continuing from the Franklin Wastewater Treatment Plant at mile 122.7, downstream 31 miles to the refinery at Elmenton mile 90.7;

b. Clarion River from mile 91.1 in the Borough of Ridgeway, Elk County, Pennsylvania, at the National Forest and State Game Lands boundary to mile 39.4 at the normal pool elevation of Piney Dam;

c. Upper Delaware Scenic and Recreational River, including the ¼ mile buffer from each bank, beginning at Hancock, New York, and continuing 73.4 river miles to Mill Rift, Pennsylvania;

d. Middle Delaware Scenic and Recreational River (from bank to bank) beginning approximately four miles below Port Jervis, extending downstream approximately to the boundary between Monroe and Northampton Counties in Pennsylvania (just below the Interstate 80 bridge);

e. Lower Delaware River beginning 7 river miles north of Belvidere, New Jersey, continuing to Washington Crossing, Pennsylvania, including Paunacussing Creek, within Solebury Township; all of the Tinicum Creek, including Rapp Creek and Beaver Creek Tributaries; and Tohickon Creek from the mouth to the Lake Nockamixon Dam, including a ¼ mile buffer from each bank. The towns of Belvidere, Phillipsburg, and Easton, as well as existing power plants, water supply intakes and wastewater outfalls are not included in the designated area; and

f. White Clay Creek watershed including all of its tributaries.

2. For activities in the Philadelphia District Regulatory Area of Responsibility within Wild and Scenic Rivers, coordination between the prospective permittee and the National Park Service is required for any activity potentially affecting a component of the National Wild and Scenic Rivers System or a river under official study status. No work shall begin until the National Park Service has determined in writing that the proposed activity will not adversely affect the designation or study status. Documentation of coordination and National Park Service concurrence shall be forwarded to the Corps of Engineers. Additional coordination between the Corps of Engineers, the prospective permittee, and National Park Service may be necessary on a case-by-case basis to address identified Wild and Scenic River issues.

National Park Service correspondence shall be sent to:

The Wild and Scenic River General Email Inbox at [NER\\_PWSR@nps.gov](mailto:NER_PWSR@nps.gov)

3. For activities in the Pittsburgh District Regulatory Area of Responsibility within Wild and Scenic Rivers, prior to the prospective permittee performing any activity in waters of the United States, United States Forest Service approval shall be obtained for the project by the Pittsburgh District prior to Nationwide Permit verification.

**C. Nationwide Permit Regional General Condition #18 Endangered Species:**

1. United States Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) Requirements:

a. Prior to commencing the activity, the applicant must complete a Pennsylvania Natural Diversity Inventory (PNDI) project screening for federally listed threatened and endangered species. The PNDI Environmental Review Tool is located at <https://conservationexplorer.dcnr.pa.gov/>. If the PNDI screening results in "Further Work Required", then the applicant must submit a PCN to the District Engineer. All permittees must use 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 completed Determination Keys, if applicable, tailored for the proposed project area with the PCN. Further information on the USFWS project review process may be found on the PA Field Office's website at <https://www.fws.gov/office/pennsylvania-ecological-services/project-review-information>.

b. Prior to any work within the **Delaware River** whereby the regulated activities extend across state boundaries (PA/NJ), the applicant shall document that they have followed the consultation guidance published on the New Jersey Field Office website: <http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html> to determine if a proposed NWP activity may affect a listed species. The permittee shall generate a list of federally listed species for the action area using the USFWS's Information for Project

Planning and Conservation (IPaC) at the following website <https://ecos.fws.gov/ipac/>. Upon your review of IPaC report, the proposed activity shall be screened for potential adverse effects to any listed species using the screening procedures published on the New Jersey Field Office website, or other more specific screening procedures that have been developed by the New Jersey Field Office for particular agencies, organizations, activities, or species. The permittee shall follow the guidance provided on the New Jersey Field Office website. If necessary, contact the New Jersey Field Office for further coordination prior to applying (PCN) to the District Engineer for an NWP verification.

2. National Marine Fisheries Service- Endangered Species Act Requirements (Applicable in the Philadelphia District Regulatory Area of Responsibility within Pennsylvania):

a. Prior to any work, the prospective permittee shall generate a list of federally-listed species by accessing the NOAA Fisheries ESA Section 7 Mapper found at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater#esa-section-7-mapper>. If upon completion of this review the species list determination indicates there are listed, proposed, or candidate species found in the action area, the prospective permittee is *required* to submit a PCN to the Corps of Engineers to determine if the action will result in an "EFFECT" to the listed species, except in the following waterways:

i. Delaware River mainstem above the U.S. Route 202 Bridge in New Hope, Pennsylvania; and

ii. ALL tributaries above the U.S. Route 202 Bridge in New Hope, Pennsylvania, located off of the Delaware River mainstem.

b. Additional technical consultation guidance to determine if a proposed NWP activity may affect a listed species can be found on the NOAA Fisheries Website: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic>.

**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 NWPs requiring notification to the District Engineer pursuant to a regional condition, and (d) any other pre-constriction notifications to the District Engineer where an applicant has requested verification of an NWP authorization.

1. For PCN activities in the Philadelphia District Regulatory Area of Responsibility: The prospective permittee shall notify the Philadelphia District Corps of Engineers in accordance with NWP General Condition 32, *Pre-Construction Notification* by using a signed pre-construction notification form (Form ENG 6082).

2. For activities in the Philadelphia District Regulatory Area of Responsibility the prospective permittee shall submit a PCN to the District Engineer for any NWP activity that is proposed in the mainstem Delaware River within 150 of SAV beds, or mapped SAV habitat. Additional avoidance and minimization measures, such as relocating a structure or time-of-year restrictions (TOYR) may be required to reduce impacts to SAV habitat. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

3. For activities in the Baltimore District Regulatory Area of Responsibility within the mainstem of the Susquehanna between Sunbury Dam and Safe Harbor Dam, 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 150 feet of mapped SAV (as described in Regional General Condition E(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).

4. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality (For Philadelphia District see Section II.D.1., above; For Pittsburgh District see: <https://www.lrp.usace.army.mil/Missions/Regulatory/Forms-and-Publications/>; For Baltimore District see: <https://www.nab.usace.army.mil/Missions/Regulatory/Permits-PA/>). Preferably all PCN information can be submitted electronically using district-specific procedures; alternatively, a hard copy may be sent to the Corps. All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the NWP conditions, including General Condition 32.

a. For projects located in the vicinity of a federal navigation channel, the location and depth of any federal navigation channel shall be shown in relation to the proposed project.

b. Copy of response from the FWS concerning any federally listed Threatened and Endangered Species that may be affected by the proposed activity. Completion of the required screening identified in General Regional Conditions #18, *Endangered Species*, and submission of the required documents of the PCN serves as compliance with this condition.

c. Copy of response from the SHPO 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 (<https://www.dcnr.pa.gov/Communities/HeritageAreas/Pages/default.aspx#:~:text=Pennsylvania%20Route%206%20Alliance,Susquehanna%20National%20Heritage%20Area>), Outstanding National Resource Water, 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:

<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

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

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.

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 United States Coast Guard (USCG) approval (address below) using a Private Aids to Navigation Application (CG-2554), and the approval must be received prior to commencement of the authorized work. The form can be found at this link: [https://www.navcen.uscg.gov/pdf/AIS/CG\\_2554\\_Paton.pdf](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 applicable Corps District.

**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.

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

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

**H. Section 401 Water Quality Certification Conditions:**

The Pennsylvania Department of Environmental Protection issued conditional 401 Water Quality Certification provided that:

1. Prior to beginning any activity authorized by the Corps under a NWP, the applicant shall obtain from the Pennsylvania Department of Environmental Protection (PADEP) all necessary environmental permits or approvals, and submit to PADEP environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including The Clean Streams Law (35 P.S. §§ 691.1-691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27), the Floodplain Management Act (32 P.S. §§ 679.101-679.601), the Oil and Gas Act (58 Pa.C.S. §§ 3201-3274), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1-1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301-3326), the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1-1406.21), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51-30.66), the Solid Waste Management Act (35 P.S. §§ 6018.101-6018.1003), the

Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101-6020.1305), the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101-6026.908), 58 Pa.C.S. §§ 3201-3274 (relating to development), the Sewage Facilities Act 35 P.S. §§ 750.7b and 750.9, the Air Pollution Control Act (35 P.S. §§ 4001-4015) and the regulations promulgated thereunder, including 25 Pa. Code Chapters 16, 71, 77, 78, 78a, 86-91, 92a, 93, 95, 96, 102, 105, 106, 127, 245, and 260a-299.

2. Fill Material may not contain any waste as defined in the Solid Waste Management Act.

3. Applicants and projects eligible for these NWP's must obtain all state permits or approvals, or both, necessary to ensure that the project meets the state's applicable water quality standards, including a project-specific State Water Quality Certification (SWQC).\*

\*The scope of the issuance of this SWQC is related only to the scope and applicability of the proposed NWP's. Any activity or project requiring PADEP to issue 401 SWQC that is beyond the scope of these proposed NWP's will require the applicant to obtain a project-specific SWQC from PADEP. This would include any activity or project requiring a SWQC associated with an authorization, permit or license issued by a federal agency, such as FERC or NRC. Such activities or projects include, but are not limited to, an interstate natural gas pipeline, a gas storage field or a nuclear or hydroelectric project.

#### **I. Coastal Zone Management Act Consistency Determination Condition:**

The Pennsylvania Department of Environmental Protection, Pennsylvania Coastal Resource Management (CRM) Program concurs that the NWP's and Pennsylvania Regional Conditions are consistent with the Pennsylvania CRM Program's enforceable policies, subject to the following condition.

1. Prior to beginning any activity authorized by the USACE under a NWP, the applicant shall obtain from the Department all necessary environmental permits or approvals and submit to the Department environmental assessments and other information necessary to obtain the permits and approvals, as required under state law, including the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27) and 25 Pa. Code Chapter 105.

#### **SPECIAL NOTES:**

Where the Commonwealth has denied 401 WQC and/or not concurred with the Corps' CZM consistency determination for a NWP authorization, the permittee should contact the Commonwealth to obtain an activity specific review and approval by the Commonwealth prior to submitting any required PCN to the District Engineer.

The Philadelphia District Area of Responsibility can be found at <http://www.nap.usace.army.mil/Missions/Regulatory/District-Boundaries/>.

The Baltimore District Area of Responsibility can be found at <http://www.nab.usace.army.mil/Missions/Regulatory/Baltimore-District-Regulatory-Boundary-Map/>.

The Pittsburgh District Area of Responsibility can be found at [https://www.lrp.usace.army.mil/Portals/72/Regulatory\\_District\\_Map\\_Poster%2020190925\\_0921.pdf](https://www.lrp.usace.army.mil/Portals/72/Regulatory_District_Map_Poster%2020190925_0921.pdf).

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

United States Fish and Wildlife Service  
Pennsylvania Field Office  
110 Radnor Road, Suite 101  
State College, Pennsylvania 16801  
Email: [IR1\\_ESPenn@fws.gov](mailto:IR1_ESPenn@fws.gov)

National Marine Fisheries Service  
Habitat and Ecosystem Services Division  
74 Magruder Road  
Highlands, New Jersey 07732  
<https://www.fisheries.noaa.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](mailto:nmfs.gar.esa.section7@noaa.gov)

Pennsylvania Historical & Museum Commission  
State Historic Preservation Office  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> floor  
Harrisburg, Pennsylvania 17120

Pennsylvania Department of Environmental Protection  
Bureau of Waterways Engineering and Wetlands  
Division of Wetlands & Encroachment  
Rachel Carson State Office Building  
P.O. Box 8460  
Harrisburg, Pennsylvania 17105-8775

Pennsylvania Fish and Boat Commission  
North Central Law Enforcement  
595 Rolling Ridge Drive  
Bellefonte, Pennsylvania 16823-9616

Pennsylvania Game Commission  
2001 Elmerton Avenue  
Harrisburg, Pennsylvania 17110-9797

**APPENDIX 6**  
**REGIONAL CONDITIONS TO THE 2026 NATIONWIDE PERMITS IN**  
**THE DISTRICT OF COLUMBIA**

All regional conditions listed in Section I and II below are applicable for activities in the District of Columbia. Regional conditions applicable to the Commonwealth of Virginia, including Fort Belvoir, Fort Myer, and the Pentagon within the Baltimore District's area of responsibility, can be found at Norfolk District's website: <http://www.nao.usace.army.mil/Missions/Regulatory/>.

**I. Regional Conditions Applicable to Specific Nationwide Permits within the District of Columbia:**

**A. Nationwide Permit 3 Maintenance:**

1. Prior to commencing the activity, permittees must submit a Pre-Construction Notification (PCN) to the District Engineer (see 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 located 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.

2. For activities under NWP 3(b), the removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built but cannot extend further than 50 feet in any direction from the structure, unless specifically authorized by the District Engineer.

**B. Nationwide Permit 5 Scientific Measurement Devices:**

The construction or installation of subaqueous turbines or similar is not authorized by this Nationwide Permit.

**C. Nationwide Permit 6 Survey Activities:**

1. Use of in-water explosives is not authorized under this Nationwide Permit.
2. The permittee shall ensure that all in-stream exploratory trenching is conducted under dry conditions.

**D. Nationwide Permit 7 Outfall Structures and Associated Intake Structures:**

1. Intake structures should be equipped with screening (with mesh size no larger than 1mm) of wedge wire or another material of equal or better performance. In addition, intake velocities should not exceed 0.25 ft. /sec. This condition may be waived by the District Engineer if a prospective permittee proposes to utilize new or improved technologies that meets or exceeds the "wedge wire" design technology.

2. The intake structure shall be positioned such that its design effectiveness minimizes impingement and entrainment of aquatic species where feasible. This would include efforts that result in stream velocities over, around or past the intake structure that exceed the velocities through the intake structure.

**E. Nationwide Permit 10 Mooring Buoys:**

1. Water depths in the mooring area must be sufficient that any moored vessels float at all stages of the tide or mean low water.

2. Mooring buoys are prohibited in areas mapped and/or ground-truthed (during the growing season) as submerged aquatic vegetation habitat. SAV shall be determined using the five (5) most recent years of verified SAV data (See Regional General Condition #32.2). The delineation of SAV may also be supplemented through ground-truthed SAV surveys conducted during the growing season.

**F. Nationwide Permit 11 Temporary Recreational Structures:**

1. Prior to doing the work, permittees must submit a Preconstruction Notification (PCN) to the District Engineer (see NWP General Condition 32 and Regional General Condition 32).

2. Water depths in the mooring area must be sufficient that any moored vessels float at all stages of the tide or mean low water.

3. This Nationwide Permit does not authorize the placement of any temporary structures in any areas containing mapped and/or ground-truthed (during the growing season) with submerged aquatic vegetation. SAV shall be determined using the five (5) most recent years of verified SAV data (See Regional General Condition #32.2). The delineation of SAV may also be supplemented through ground-truthed SAV surveys conducted during the growing season.

**G. Nationwide Permit 12 Oil or Natural Gas Pipeline Activities, Nationwide Permit 57 Electric Utility Line and Telecommunications Activities, Nationwide Permit 58 Utility Line Activities for Water and Other Substances:**

Prior to commencing work, permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

1. Wherever practicable, excavated material shall be placed on an upland site. However, when this is not practicable, temporary stockpiling is authorized provided that all temporary stockpiling or side-casting of excavated material in wetlands is completely removed from the wetlands within 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer.

2. The PCN shall include the following additional information:

a. For all submerged oil and gas pipelines, cables, and utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view drawing showing the pipeline, cable, and utility line crossing from bank to bank in relationship to the waterway bottom;

b. For oil and gas pipeline, cable, and utility line projects completed by horizontal directional drilling or boring methods: The PCN shall include a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the United States necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the United States that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible.

3. Selection of an alignment shall avoid and minimize wetland and stream impacts to the maximum extent practicable. The oil and gas pipeline, cable, or utility line should make a perpendicular crossing of a stream where feasible. Horizontal directional drilling shall be reviewed as an option where feasible.

4. For projects that cross federal navigation channels, all oil and gas pipelines, cables, and utility lines shall be buried the minimum depth below the authorized depth of the federal navigation channel consistent with the District's minimum setback requirements (see <http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Pubs/spn11-17.pdf>). Section 408 permission will be required.

5. The top of any buried oil and gas pipeline, cable, or utility line shall be located a minimum of three feet below the existing bottom elevation of the streambed and shall be backfilled with suitable heavy material to the preconstruction bottom elevation. Where the oil and gas pipeline, cable, or utility line is placed on bedrock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. If this minimum cover over the oil and gas pipeline, cable, or utility line is not practicable, the applicant shall provide a narrative documenting measures evaluated, site conditions, and any other limitations that prohibit achieving these minimum cover criteria in the PCN. The documentation must include photographs documenting site conditions.

6. The Corps will coordinate review of the PCN with the National Marine Fisheries Service – Habitat and Ecosystem Services Division when:

a. An open-cut oil and gas pipeline, cable, or utility line affects a tidal tributary stream or a non-tidal stream; or

b. The oil and gas pipeline, cable, or utility line do not make a direct or perpendicular stream channel crossing; or

c. An open-cut oil and gas pipeline, cable, or utility line constructed in waters of the United States runs parallel to a stream channel and the oil and gas pipeline, cable, or utility line is within 100 feet of the mean high-water mark of a tidal stream; or 100 feet of the ordinary high water mark of a nontidal coastal plain streams.

**H. Nationwide Permit 13 Bank Stabilization:**

To the maximum extent practicable, bank stabilization activities shall be accomplished using natural stabilization techniques and/or natural channel design. Native riparian plantings shall be included in project designs to the extent practicable.

**I. Nationwide Permit 14 Linear Transportation Projects:**

1. Prior to doing the work, the permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32) when:

- a. A Section 10 permit is required;
- b. Low flow or multi-culvert crossings are proposed.

2. For activities in tidal waters and perennial and intermittent nontidal streams that result in a loss more than 1/10 acre of waters of the United States, the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

**J. Nationwide Permit 18 Minor Discharges:**

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

**K. Nationwide Permit 19 Minor Dredging:**

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

**L. Nationwide Permit 23 Approved Categorical Exclusions:**

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

**M. Nationwide Permit 27 Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities:**

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

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

3. For all activities in tidal waters, tidal wetlands, and perennial and intermittent streams, the District Engineer will coordinate review of the PCN and, an essential fish habitat assessment with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

4. 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 27 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.

**N. Nationwide Permit 28 Modifications of Existing Marinas:**

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

**O. Nationwide Permit 29 Residential Developments:**

This Nationwide Permit (NWP) does not authorize the construction of in-stream impoundments.

**P. Nationwide Permit 33 Temporary Construction, Access, and Dewatering:**

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

2. The Corps shall provide the required PCN to National Marine Fisheries Service-Habitat and Ecosystem Services Division, including any supporting documentation, when:

a. The activity affects more than 0.5 acre of tidal waters, including jurisdictional tidal wetlands; or

b. The activity affects more than 500 linear feet of perennial nontidal streams.

**Q. Nationwide Permit 35 Maintenance Dredging of Existing Basins:**

Prior to doing the work, permittees must submit a Pre-construction Notification (PCN) to the District Engineer (see NWP General Condition 32 and Regional General Condition 32).

**R. Nationwide Permit 36 Boat Ramps:**

1. Construction material must be clean rock or stone free of fine materials such as silt, clay, or sand to preclude more than minimal detrimental impacts to the waterway from turbidity and sedimentation effects.

2. The length of boat ramps authorized by this nationwide permit shall not exceed 30 feet channelward of the mean high-water line, nor 25% of the width of the waterway, unless waived by the District Engineer.

3. Where the water depth at the proposed ramp is less than two feet at mean low water, permittees must submit a Pre-construction Notification to the District Engineer (see General Condition 32 and Regional General Condition 32).

**S. 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, a Pre-Construction Notification (PCN) is required, and the District Engineer will coordinate review of the PCN and, when applicable, an essential fish habitat (EFH) assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Division.

**T. Nationwide Permit 39 Commercial and Institutional Developments:**

This Nationwide Permit (NWP) does not authorize the construction of in-stream impounds.

**U. Nationwide Permit 40 Agricultural Activities:**

1. Pond construction must be of the minimum size required for the farming use.
2. In-stream ponds should be avoided to the maximum extent practicable.

**V. Nationwide Permit 51 Land-Based Renewable Energy Generation Facilities:**

This Nationwide Permit does not authorize the construction of in-stream ponds.

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

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

2. For all activities, the Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service-Habitat and Ecosystem Services Division.

**X. Nationwide Permit 53 Removal of Low-Head Dams:**

For activities in all tidal waters, tidal wetlands, and perennial and intermittent nontidal coastal plain streams, a Pre-Construction Notification (PCN) is required, and the Corps of Engineers will coordinate review of the PCN and, when applicable, an essential fish habitat assessment with the National Marine Fisheries Service – Habitat and Ecosystem Services Division.

**Y. Nationwide Permit 54 Living Shorelines:**

1. Wetland components of living shoreline projects shall be maintained as a wetland, with areal coverage by native, hydrophytic, non-nuisance species of at least 85% for three (3) consecutive years. Monitoring reports documenting areal coverage shall be submitted to the Corps annually. If 85% coverage by such species is not attained, the reasons for the failure must be documented in writing and provided to the Corps with proposed corrective measures, including replanting. Final corrective measures must be completed, as approved by the Corps.

2. Living shoreline projects must result in no net loss of wetlands

3. For all activities, the District Engineer will coordinate review of the Pre-Construction Notification and an EFH assessment with the National Marine Fisheries Service - Habitat and Ecosystem Services Conservation Division.

4. Ecologically beneficial, existing tidal wetlands should be incorporated into the design of Living Shorelines. Where maintaining existing wetlands on-site would not provide the desired ecological uplift of the project, impacted tidal wetlands should be replaced on-site with the same or similar reference wetland species that occupy the same relative marsh elevations. The conversion of low marsh to high marsh is typically undesirable as these habitats perform different ecological functions and services; however, there are certain cases where conversion from low marsh to high marsh could be ecologically beneficial. Written documentation is required to justify the ecological benefits of converting low marsh to high marsh, if proposed.

5. Grain size analyses for both the dredged and/or fill material and placement site are required. The discharged material must be equal to or larger in grain size and character than the existing beach material or determined otherwise to be compatible with existing site conditions. The discharged material may not contain more than 10 percent silts and clays, or control measures such as breakwaters, groins or similar structures should be used to control movement.

**Z. Nationwide Permit 57 Electric Utility Line and Telecommunications Activities:**

See Regional Conditions in I.A above.

**AA. Nationwide Permit 58 Utility Line Activities for Water and Other Substances:**

See Regional Conditions in I.A above.

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

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

## II. Regional Conditions Applicable to All 2026 Nationwide Permits within the District of Columbia 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 nationwide permit specific regional conditions identified above in Section I, all terms and conditions found in the issuance and reissuance of the NWPs published in the *Federal Register* on January 8, 2026 (91 FR 768), and any activity-specific verification conditions imposed by the Corps.

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

1. **Anadromous Fish Time-of-Year Restriction:** This condition applies to NWPs: 2, 3a, 3b, 5, 7, 11, 12, 13, 14, 15, 17, 18, 19, 22, 23, 25, 27, 28, 29, 31, 33, 35, 36, 37, 38, 39, 40, 42, 43, 45, 52, 53, 54, 57, 58, 59, and A.

To ensure that activities do not impact spawning habitat or a migratory pathway for anadromous fish, work is prohibited during March 1 to June 30 each year to protect sensitive life stages of anadromous fish in all perennial and intermittent streams, unless specifically waived by the District Engineer in consultation with National Marine Fisheries Service-Habitat and Ecosystem Services Division.

2. **Culverted Road Crossings:** Culverted road crossings of perennial and intermittent streams must meet the below 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-Constructive Notification (PCN), 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. The Corps shall provide a copy of the PCN, including the supporting documentation, to the National Marine Fisheries Service-Habitat and Ecosystem Service Division for culverts which cannot be depressed as outlined in this Regional General Condition 2 for *Aquatic Life Movements*. The applicant may find it helpful to contact the 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 the 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 National Marine Fisheries Service 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 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 National Marine Fisheries Service 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 National Marine Fisheries Service 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 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 in the District of Columbia:**

a. A Pre-Construction Notification (PCN) must be submitted to District Engineer if a minimum of 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 must be 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 with salinity levels <6 parts per thousand, sediment disturbing activities which include pile driving activities, are prohibited during the period April 1 through June 30 for the protection of shortnose sturgeon during early life stages 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 District of Columbia includes:

The Potomac River from the mouth of the Chesapeake Bay to the Little Falls Dam.

**C. 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 the NWP General Conditions 18 and 22, (c) those NWPs requiring notification to the District Engineer pursuant to a regional condition, and

(d) any other pre-constriction 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: <http://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. 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>. As part of any PCN for an activity 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 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- HESD).

4. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality (<https://www.nab.usace.army.mil/Missions/Regulatory/Permits-DC/>). Preferably all PCN information can be submitted electronically or alternatively a hard copy may be sent to the

Corps. All PCNs to the District Engineer shall include the following information, where applicable, in addition to the information specified in the NWP conditions, including 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 (District of Columbia Department of Energy and Environment), Outstanding National Resource Water (District of Columbia Department of Energy and Environment), or National Estuarine Research Reserve (<https://coast.noaa.gov/nerrs/>). For further information, reference NWP General Condition 22.

**D. 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:

<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

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; and

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 (address below) using a Private Aids to Navigation Application (CG-2554), and the approval 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](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.

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

Any activity that involves the discharge of poured concrete must be contained within cells or watertight forms until the concrete is set.

**F. 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.

**G. Section 401 Water Quality Certification Condition:**

Before proceeding under the NWP, an applicant is required to obtain an individual Section 401 Water Quality Certification or waiver thereof from the Department of Energy and Environment for activities authorized under the following NWPs: 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, and A.

**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

District of Columbia  
Office of Planning Historic Preservation Office  
1100 4th Street  
SW Suite E 650  
Washington, DC 20024

Department of Energy and Environment Water Quality Division  
1200 First Street NE  
5<sup>th</sup> Floor  
Washington, DC 20002

Department of Energy and Environment Regulatory Review Division  
1200 First Street NE  
5<sup>th</sup> floor  
Washington, DC 20002

United States Fish & Wildlife Service Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, Maryland 21401

NOAA/National Marine Fisheries Service  
Habitat Conservation and Ecosystem Services Division  
200 Harry S. Truman Pkwy  
Ste 460  
Annapolis, Maryland 21401  
<https://www.fisheries.noaa.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](mailto:nmfs.gar.esa.section7@noaa.gov)

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

