



Public Notice

**U.S. Army Corps
of Engineers**

Baltimore District
10 S. Howard St.
Baltimore, MD 21201
ATTN: Regulatory Branch

Pittsburgh District
2200 William S. Moorhead
Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222
ATTN: Regulatory Branch

Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: Regulatory Branch

Issue Date: April 26, 2011
Expiration Date: June 10, 2011

Special Public Notice # 11-33

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS

On February 16, 2011, the U.S. Army Corps of Engineers published in the Federal Register Vol. 76, No. 32 a proposal to reissue 48 of its nationwide permits (NWP) and issue two new NWP. The Baltimore, Philadelphia, and Pittsburgh Districts are seeking comments on proposed regional conditions to the NWP for work in Maryland, Pennsylvania, the District of Columbia, and appropriate military installations of Northern Virginia.

Nationwide permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Many of the proposed NWP require notification to the district engineer before commencing the work, to ensure that the activities authorized by those NWP have minimal individual and cumulative adverse impacts on the aquatic environment.

National Issues Concerning the Proposed NWP: The Federal Register notice is the public's opportunity to review and comment on the proposed NWP, general conditions, and definitions. Internet users can access the Federal Register through the Government Printing Office (GPO) at <http://www.gpoaccess.gov/fr/index.html> or the Corps Home Page at http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx.

Regional Issues Concerning the Proposed NWP, Including Regional Conditioning: Division engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or state. Regional conditions are important mechanisms to ensure that impacts to the aquatic environment authorized by the NWP are minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWP may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Corps Districts having jurisdiction over Maryland, Pennsylvania, the District of Columbia, and military installations of Northern Virginia. The Districts are seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWP are minimal. Unless otherwise noted, all proposed regional conditions listed in this enclosure are applicable for activities in Maryland, Pennsylvania, the District of Columbia, and military installations of Northern Virginia. Comments on regional issues relating to the proposed NWP and regional conditions are to be sent to U.S. Army Corps of Engineers, Baltimore District Regulatory Branch,

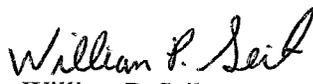
CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland, 21203-1715; U.S. Army Corps of Engineers, Pittsburgh District, 2200 William S. Moorhead Federal Building, 1000 Liberty Avenue, Suite 2200, Pittsburgh, Pennsylvania 15222; U.S. Army Corps of Engineers, Philadelphia District, The Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107. Comments relating to regional conditions are due by June 10, 2011. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

When the final NWP's are issued, the final regional conditions will be issued at the same time so that the States and Tribes can make their Clean Water Act Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The 401/CZMA decisions must be made within 60 days of the Federal Register notice announcing the issuance of the NWP's. After that 60-day period, the NWP's and the regional conditions will become effective.

Draft decision documents, which include environmental documentation required by the National Environmental Policy Act, have been prepared by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's, are available for viewing at the Districts' addresses above or on the Internet at the www.regulations.gov site (docket ID number COE-2006-0005) or the Corps Home Page. Final decision documents will be prepared for those NWP's that are issued. In addition, supplemental decision documents will be issued by division engineers to address their determinations concerning regional conditions for the NWP's.

Enclosed is an index of the proposed NWP's, general conditions, and definitions. Anyone wishing to obtain a full text copy of the NWP's may do so through www.regulations.gov (docket ID number COE-2010-0035), the Corps Home Page address listed above or the Federal Register address listed above.

FOR THE DISTRICT ENGINEER


William P. Seib
Chief, Regulatory Branch

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ENCLOSURE 1

Proposed National Regional Conditions for the Maryland, Pennsylvania, the District of Columbia, and military installations in Northern Virginia within the Baltimore, Philadelphia, and Pittsburg Districts

I. Nationwide Permit Specific Regional Condition:

Note: see "II. Nationwide Permit General Conditions" for additional regional conditions that may apply. Unless otherwise noted, all proposed regional conditions listed in this enclosure are applicable for activities in Maryland, Pennsylvania, the District of Columbia, and the appropriate military installations in Northern Virginia.

Nationwide Permit #1 Aid to Navigation

Permit Specific Regional Conditions - none

Nationwide Permit #2 Structures in Artificial Canals

Permit Specific Regional Conditions - none

Nationwide Permit #3 Maintenance

Permit Specific Regional Conditions –

1. Prior to doing the work, the permittee must submit a pre-construction notification PCN to the District Engineer for any discharge under NWP 3(a) proposing the use of equipment to move material from or across a stream channel as part of the proposed activity for repair, rehabilitation, or replacement (See general condition 30 and regional general condition 30a). The Corps review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps permit application procedures. The prospective permittee shall not proceed until notified in writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable. The PCN must clearly describe any activity proposing the use of equipment to move material from or across a stream channel.

2. Prior to doing the work, the permittee must submit a PCN to the Baltimore District Corps of Engineers for proposed construction and modification of docks, piers, and other structures under NWP 3(a) 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. 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/Regulatory/>.

3. In the District of Columbia, a PCN shall be submitted to the DE for any proposed activity, which would result in impacts, temporary or permanent, to Section 10 waters.

4. Under the terms of this authorization, 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.

5. Essential Fish Habitat Regional Conditions (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

a. NWP 3(a)-Repair, Rehabilitation, or Replacement Activities:

i. Prior to doing the work, the prospective permittee shall submit a PCN to the District Engineer for any proposed activity affecting more than 10,000 square feet of tidal wetlands and/or tidal waters. The Corps shall provide this PCN to NMFS for individual EFH consultation and coordination (See general condition 30 and regional general conditions 30a).

ii. For culvert replacement and repair activities, work in tidal tributary streams and nontidal coastal plain streams shall be prohibited during the period February 15 through June 15 inclusive of every year to protect sensitive life stages of anadromous fish, unless specifically waived by the District Engineer in consultation with NMFS.

b. NWP 3(b)-Removal of Accumulated Sediments and Debris in the Vicinity of and Within Existing Structures and the Placement of New or Additional Riprap to Protect the Structure:

i. Prior to doing the work, the prospective permittee shall submit a PCN to the District Engineer for any proposed activity affecting more than 10,000 square feet of tidal wetlands and/or tidal waters or more than 500 linear feet of tidal tributary stream or nontidal stream in the coastal plain region. The Corps shall provide this

PCN to NMFS for individual EFH consultation and coordination (See general condition 30 and regional general conditions 30a).

ii. Work in tidal tributary streams and nontidal coastal plain streams shall be prohibited during the period February 15 through June 15 inclusive of every year to protect sensitive life stages of anadromous fish, unless specifically waived by the District Engineer in consultation with NMFS.

iii. A low flow channel that permits passage of migratory fish species shall be incorporated into all activities involving the placement of new or additional riprap in tidal tributary streams and nontidal coastal plain streams.

Nationwide Permit #4 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities

Permit Specific Regional Condition –

This nationwide permit does not authorize activities that cause interference with navigation. No structure can extend into an anchorage area, customary boating channel, navigation fairway, marked, lighted, charted, or Federal Navigation Channel.

Nationwide Permit #5 Scientific Measurement Devices

Permit Specific Regional Condition –

Prior to doing the work, the permittee must submit a PCN to the District Engineer for any activity, proposing the discharge of greater than 10 cubic yards of dredge or fill material for the construction of small weirs and flumes (See general condition 30 and regional general conditions 30a). The Corps' review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps of Engineers permit application procedures. The prospective permittee shall not proceed until notified in writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable.

Nationwide Permit #6 Survey Activities

Permit Specific Regional Condition –

1. Prior to doing the work, the permittee must submit a PCN to the District Engineer for any activity, proposing the discharge of greater than 25 cubic yards of dredge or fill material into water of the United States, including jurisdictional wetlands (See general condition 30 and regional general conditions 30a). The Corps' review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps of Engineers permit application procedures. The prospective permittee shall not proceed until notified in

writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable.

2. Use of in-water explosives is not authorized under this NWP.
3. The permittee shall ensure that all in-stream exploratory trenching is conducted in the dry.

Nationwide Permit #7 Outfall Structures and Associated Intake Structures

Permit Specific Regional Condition –

Essential Fish Habitat Regional Conditions [Applicable only to tidal and nontidal waters of the Potomac River mainstem from the Governor Harry W. Nice Memorial Bridge (U.S. 301 over the Potomac River) upstream to Great Falls, and tidal streams and nontidal coastal plain streams that are tributary to the Potomac River]:

1. Screening over the mouth of associated intake structures shall have a mesh size no larger than 2 mm;
2. Intake structure velocities shall not exceed 0.5 feet per second; and
3. The intake structure shall be positioned to minimize impingement/entrainment of sensitive life stages (e.g., recessed away from the waterway, positioned perpendicular to the predominant direction of flow).

Nationwide Permit #8 Oil and Gas Structures on the Outer Continental Shelf

Permit Specific Regional Conditions - none

Nationwide Permit #9 Structures in Fleeting and Anchorage Areas

Permit Specific Regional Conditions - none

Nationwide Permit #10 Mooring Buoys

Permit Specific Regional Conditions - none

Nationwide Permit #11 Temporary Recreational Structures

Permit Specific Regional Conditions –

1. Prior to doing the work in Section 10 waters, the permittee must submit a PCN to the District Engineer in accordance with the current Corps of Engineers permit application procedures (See general condition 30 and regional general condition 30a). The Corps review period shall commence with the receipt of a permit application, at the Corps District Office. The prospective permittee shall not proceed until notified in

writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable.

2. For the Delaware River in Pennsylvania, this NWP is applicable only to structures associated with discrete or specific events.

Nationwide Permit #12 Utility Line Activities

Permit Specific Regional Conditions –

1. Prior to doing the work, the permittee shall submit a PCN to the District Engineer for any proposed activity in waters of the United States, including jurisdictional wetlands, in accordance with the current Corps of Engineers permit application procedures (See general condition 30 and regional general condition 30a). The prospective permittee shall not proceed until notified in writing by the District Engineer (normally within 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed by the District Engineer. The PCN shall include a map of the entire utility corridor or overall project area including a delineation of all wetlands and waters of the United States within the corridor or overall project area.

2. The PCN shall include information regarding how the selection of the alignment avoids and minimizes impacts to aquatic resources to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling is the preferred method of installation when possible, especially in tidal waters.

3. Any PCN to the District Engineer that proposes construction of a permanent access road must also justify, to the satisfaction of the District Engineer, that any such permanent fills are necessary, and that temporary access roads are not practicable.

4. For all submerged utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view showing the utility line crossing from bank to bank. In addition, the location and depth of the Federal Project Channel shall be shown in relation to the proposed utility line.

5. Where water or sewer line installation is proposed in an existing subdivision and would extend service to residential lots containing wetlands which would be filled to construct new homes, the permittee must submit a PCN to the District Engineer (See general condition 30 and regional general condition 30a).

6. Where a utility line is constructed parallel to a stream corridor, a site specific appropriate sized undisturbed buffer shall be maintained between the utility line and the waterway to avoid or minimize potential future impacts to Waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future

stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the District Engineer.

7. The stockpiling or sidecasting of excavated material in wetlands shall not exceed 30 days, unless a longer period of time is specifically reviewed and approved by the District Engineer. Any excavated or stockpiled materials shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent reentry into any waterway or wetland.

8. Utility lines installed below the plane of ordinary high water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the satisfaction of the District Engineer to be impracticable.

9. The top of the cable, encasement, or pipeline 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 cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

10. Clay plugs, impervious membranes, or other state of the art methods shall be placed in the trench to reduce drainage through the backfill material. Photo-documentation of clay plugs at each crossing must be included with the "self-certification form."

11. This nationwide permit does not authorize activities on the Chesapeake and Delaware Canal, the Delaware River downstream of the Penn Central Railroad Bridge in Trenton, New Jersey, or the Schuylkill River downstream of Fairmount Dam in Philadelphia, Pennsylvania.

12. The discharge must not cause the permanent loss of more than 300 linear feet of stream bed at a single crossing, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects.

13. The placement of manholes in wetlands must be avoided to the extent practicable.

14. Excess material must be moved to upland areas and the project area stabilized immediately upon completion of construction.

15. Essential Fish Habitat Regional Conditions (Applicable only to the District of

Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

a) The Corps shall provide the PCN to NMFS for an individual EFH consultation and coordination (See general condition 30 and regional general condition 30a) for any proposed open-cut pipeline (i.e., pipes carrying gaseous, liquid, liquescent, or slurry substance) that affects a tidal tributary stream and/or nontidal coastal plain stream if:

- i. The proposed pipeline impacts more than 500 linear feet of a tidal tributary stream and/or nontidal coastal plain stream;
- ii. The proposed pipeline does not make a direct or perpendicular stream channel crossing; or
- iii. The proposed pipeline parallels a tidal stream within 100 feet of mean high water or a nontidal coastal plain stream within 100 feet of the ordinary high water mark and is within jurisdictional waters of the United States, including jurisdictional wetlands.

b) Where open-cut installation of a pipeline and/or hydrostatic testing of a pipeline that will involve water withdrawals is proposed and the activity will affect tidal tributary streams and/or nontidal coastal plain streams, instream work is prohibited from February 15 through June 15, of any year, to protect sensitive life stages of anadromous fish, unless this time-of-year restriction is specifically waived in writing by the District Engineer in consultation with NMFS.

16. For Aerial Transmission Lines Across Navigable Waters:

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

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

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

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

d) 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.

17. 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 Corps 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.

Nationwide Permit #13 Bank Stabilization

Permit Specific Regional Condition –

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

Nationwide Permit #14 Linear Transportation Projects

Permit specific Regional Conditions –

1. Any activity proposing a crossing of a stream or open water 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. The permittee must conduct an on-site inspection of the particular stream or waterbody to determine if it is experiencing erosion, sedimentation, or accretion rates that would alter the bottom elevation, and design the crossing, as appropriate, to comply with this design requirement. 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.

2. Prior to doing the work, the permittee must submit a PCN to the District Engineer if any of the following criteria are met:

- a) A section 10 permit is required; or
- b) The loss of waters of the U.S. exceeds 200 linear feet of stream (perennial, intermittent, and ephemeral).

3. The PCN shall include a map of the entire project corridor/overall project area including a delineation of all wetlands and waters of the United States within the corridor and overall project area. The PCN shall include information regarding how the selection of the alignment avoids and minimizes impacts to aquatic resources to the maximum extent practicable.

4. Compensatory mitigation, focusing on functional replacement, is required for discharges causing the loss of greater than 1/10 acre of wetlands and greater than 200 linear feet of stream unless the applicant demonstrates, to the satisfaction of the District Engineer, that the adverse effects are minimal without mitigation. In such cases, the applicant must submit justification explaining why compensatory mitigation should not be required by the Corps. The amount of required compensatory mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions. A watershed approach to compensatory mitigation should be used that considers the importance of landscape position and resource type for the sustainability of aquatic resource functions within the watershed. In addition, the PCN shall include the rationale for the proposed compensatory mitigation. Functional or conditional assessment methods may be used to determine how much compensatory mitigation is required, if determined practicable and appropriate by the Corps.

5. Where the prospective permittee is proposing a new crossing, proposing the replacement of an existing bridge structure with a culvert, or proposing the dualization of an existing facility for public linear transportation projects, the permittee shall include an on-site alternatives analysis that considers the impact of various size and type structures (i.e. bridges, culverts, pipes, and bottomless culverts) on the following:

- a. Wetland functions, values, acreage
- b. Wildlife corridor
- c. Floodplain functions, including, but not limited to, flood storage and nutrient uptake
- d. Existing or proposed hiker/biker trails and equestrian trails
- e. Fish passage
- f. Fisheries habitat and food chain support
- g. Threatened and Endangered Species
- h. Stream morphology
- i. Hydraulic analysis
- j. Cost
- k. Consistency with Master Plans
- l. Movement of debris

6. The crossing must not be used as a berm for a permanent impoundment or in-stream management of stormwater.

7. Essential Fish Habitat Regional Condition (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

Prior to doing the work, the prospective permittee shall submit a PCN to the District Engineer for any proposed activity affecting more than 5,000 square feet of tidal waters, including jurisdictional tidal wetlands. The Corps shall provide this PCN to NMFS for individual EFH consultation and coordination (See general condition 30 and regional general condition 30a).

Nationwide Permit #15 U.S. Coast Guard Approved Bridges

Permit Specific Regional Condition –

Essential Fish Habitat Regional Condition (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

Prior to conducting regulated activities, such as the placement of fill in waters of the U.S., the prospective permittee shall submit a PCN to the District Engineer for any proposed activity affecting more than 10,000 square feet of tidal waters, including jurisdictional tidal wetlands and/or more than 500 linear feet of nontidal coastal plain stream. The Corps shall provide this PCN to NMFS for individual EFH consultation and coordination (See general condition 30 and regional general condition 30a).

Nationwide Permit #16 Return Water From Upland Contained Disposal Areas

Permit Specific Regional Condition – none

Nationwide Permit #17 Hydropower Projects

Permit Specific Regional Condition – none

Nationwide Permit #18 Minor Discharges

Permit Specific Regional Conditions –

1. Prior to doing the work, the permittee shall submit a PCN to the District Engineer for any proposed activity in waters of the United States, including jurisdictional wetlands, in accordance with the current Corps permit application procedures (See general condition 30 and regional general condition 30a). The prospective permittee shall not proceed until notified in writing by the District Engineer (normally within 60 days) that the activity

may proceed under the nationwide permit with any special conditions imposed by the District Engineer.

2. The discharges of dredged or fill material into waters of the United States cannot be placed for the purpose of impounding water.

3. Essential Fish Habitat Regional Condition (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

For any activity associated with a proposed discharge into tidal waters, including jurisdictional tidal wetlands that does not require access or proximity to or siting within tidal waters and wetlands to fulfill its basic purpose (i.e., is not “water-dependent”), the Corps shall provide the PCN to NMFS for individual EFH consultation and coordination (See general condition 30 and regional general condition 30a).

Nationwide Permit #19 Minor Dredging

Permit Specific Regional Condition –

Prior to doing the work, the permittee shall submit a PCN to the District Engineer for any proposed activity in waters of the United States, including jurisdictional wetlands, in accordance with the current Corps of Engineers permit application procedures for that locality (See general condition 30 and regional condition 30a). The prospective permittee shall not proceed until notified in writing by the District Engineer that the activity may proceed under the nationwide permit with any special conditions imposed by the District Engineer.

Nationwide Permit #20 Response Operations for Oil and Hazardous Substances

Permit Specific Regional Condition –

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations, when discharge of dredged and/or fill material is placed for the purpose of spill response training. The areas affected by temporary fills must be re-vegetated, as appropriate.

Nationwide Permit #21 Surface Coal Mining Operations

Permit Specific Regional Condition – none

Nationwide Permit #22 Removal of Vessels

Permit Specific Regional Condition – none

Nationwide Permit #23 Approved Categorical Exclusions

Permit Specific Regional Condition –

Prior to doing the work, the permittee shall submit a PCN to the District Engineer for any proposed activity in waters of the United States, including jurisdictional wetlands, in accordance with the current Corps of Engineers permit application procedures (See general condition 30 and regional general condition 30a). The prospective permittee shall not proceed until notified in writing by the District Engineer (normally within 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed by the District Engineer.

Nationwide Permit #24 Indian Tribe or State Administered Section 404 Programs

Permit Specific Regional Condition – none

Nationwide Permit #25 Structural Discharges

Permit Specific Regional Condition – none

Nationwide Permit #26 [Reserved]

Permit Specific Regional Condition – none

Nationwide Permit #27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Permit Specific Regional Condition –

Prior to doing the work, the permittee shall submit a PCN to the District Engineer for any activity proposing a discharge into waters of the United States, including jurisdictional wetlands, in accordance with the current Corps permit application procedures (See general condition 30 and regional general conditions 30a). The prospective permittee shall not proceed until notified in writing by the District Engineer (normally within 60 days) that the activity may proceed under the nationwide permit with any special conditions imposed by the District Engineer.

Nationwide Permit #28 Modifications of Existing Marinas

Permit Specific Regional Condition –

Prior to doing the work, the permittee shall submit a PCN to the District Engineer (See general condition 30 and regional general condition 30a). The Corps review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps permit application procedures. The application must also include plans showing the configuration of

existing structures. For projects located on a waterway containing an authorized Federal Navigation Channel, the permittee must also include the distance to the edge of the authorized channel. The District Engineer will add special conditions, where necessary, to ensure those adverse navigation impacts are minimal. The prospective permittee shall not proceed until notified in writing by the District Engineer (normally within 60 days) that the activity may proceed under the nationwide permit with any special conditions, if applicable.

Nationwide Permit #29 Residential Developments

Permit Specific Regional Conditions –

1. Residential Subdivisions (Applicable to the District of Columbia, Maryland, and Pennsylvania):

- a) This NWP does not authorize the construction of ponds, including stormwater management facilities, recreational ponds, or in-stream impoundments. In addition, it does not authorize the construction of sewage disposal systems.
- b) Under the terms of this NWP, wetlands, which are located within the platted lot lines of any residential subdivision, will be considered adversely affected, unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the District Engineer that these areas will be protected and preserved in perpetuity.

2. Individual Lots (Applicable in Pennsylvania only)

- a) A PCN is required under the terms of this NWP. The PCN be concurrently forwarded to the U.S. Fish and Wildlife Service (FWS) for any activity proposing a discharge into waters of the United States, including jurisdictional wetlands, if a Pennsylvania Natural Diversity Inventory project environmental review receipt results are “FURTHER REVIEW IS REQUIRED” or “SEE AGENCY RESPONSE”. The District Engineer will make a final determination regarding the proposed project with consideration of FWS comments. Proof of applicant coordination with the FWS must be included with the PCN to the Corps.
- b) The total area of non-tidal waters of the United States, including wetlands, lost as a result of the discharge shall not exceed 40% of the total lot area, except for those lots which are less than 0.25 acres in size, in which case the loss of non-tidal waters of the United States, including wetlands shall not exceed 0.10 acres. In no circumstances may the loss of non-tidal waters of the United States including wetlands resulting from a discharge authorized by this NWP exceed 0.25 acres. Loss is defined to include any filled area previously.
- c) permitted, the proposed fill area, and any other waters of the United States including wetlands that are adversely affected by flooding, excavation, or drainage as a result of the project. The following table provides examples of the

permit authorization acreage limitations in effect where the lot size is equal to or greater than 0.25 acres.

Total Acreage Of Lot	40% of Lot	Maximum Loss Area Authorized
0.25 acre	X 0.40	= 0.10 acre
0.33 acre	X 0.40	= 0.13 acre
0.50 acre	X 0.40	= 0.20 acre
>0.50 acre	X 0.40	= 0.25acre

- d) This NWP may be used only once by an individual.
- e) This NWP may only be used for a single-family home for a personal residence by an individual who purchased the lot prior to November 21, 1991.
- f) This NWP may only be used on residential lots with access to a central sewage system which is in place and operational at the time of notification, except in cases where the discharge is for the expansion of an existing residence.
- g) This NWP does not authorize the discharge of fill in waters of the United States, including wetlands, for the installation or expansion of on-lot septic systems.
- h) This NWP does not authorize the loss of waters of the United States, including wetlands, located within a 100-year floodplain. Absent any established maps or other information to the contrary, the 100-year floodplain is assumed to extend fifty (50) feet landward from the top of the stream bank.
- i) The PCN to the District Engineer shall include a sketch plan depicting the proposed footprint of fill. The sketch plan shall also include the property dimensions; building setbacks; wetland boundaries; acreage of the proposed wetland loss; location and acreage of any previously permitted wetland fills; location(s) of any streams, drainage courses, and floodplain limits; location of proposed house, driveway, and utilities; and a mitigation proposal (see condition 7 below). The wetland boundary will be determined by a trained wetland delineator. The Corps or the Pennsylvania Department of Environmental Protection will provide this service, if requested in writing.
- j) Individuals who wish to use this NWP must compensate for the loss of waters of the United States, including wetlands, where the loss would be greater than 0.05 acre, unless the applicant demonstrates, to the satisfaction of the District Engineer, that the adverse effects are minimal without mitigation. In such cases, the applicant must submit justification explaining why compensatory mitigation should not be required by the Corps. A functional assessment on the aquatic resources should be incorporated as a component of this document.

Nationwide Permit #30 Moist Soil Management for Wildlife

Permit Specific Regional Condition –

Prior to doing the work, the permittee must submit a PCN to the District Engineer (See general condition 30 and regional general conditions 30a). The Corps review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps permit application procedures. The prospective permittee shall not proceed until notified in writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions, if applicable.

Nationwide Permit #31 Maintenance of Existing Flood Control Facilities

Permit Specific Regional Condition – none

Nationwide Permit #32 Completed Enforcement Actions

Permit Specific Regional Condition – none

Nationwide Permit #33 Temporary Construction, Access and Dewatering

Permit specific Regional Conditions –

1. Earthen cofferdams and cofferdams of dredged material shall not be used due to the problem with sedimentation of the waterway during installation and removal of the earthen (fine material) component. Causeways shall consist of only clean rock.
2. Causeways and cofferdams shall extend no more than 1/2 the width of the waterway, and sufficient conveyance of the waterways shall be provided to preclude damage to property or the environment resulting from increased water surface elevations.
3. Temporary crossings of wetlands shall be avoided if an alternate location is possible. Where wetland impacts cannot be avoided, timber mats, construction pads, geotextiles or other similar devices shall be used to avoid consolidation of temporary road materials into the wetland substrate.
4. A PCN is required under the terms of this NWP. The PCN shall include a restoration plan for disturbed wetlands and streambanks which includes revegetation with species similar to those that pre-existed.
5. **Essential Fish Habitat Regional Condition (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed**

within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

The Corps shall provide the required PCN to NMFS for individual EFH coordination and coordination (See general condition 30 and regional general condition 30a) for any activity if:

- 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 nontidal coastal plain stream.

Nationwide Permit #34 Cranberry Production Activities

Permit Specific Regional Condition – none

Nationwide Permit #35 Maintenance Dredging of Existing Basins

Permit Specific Regional Conditions –

1. Prior to doing the work, the permittee must submit a PCN to the District Engineer (See general condition 30 and regional general condition 30a). The Corps' review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps permit application procedures. The prospective permittee shall not proceed until notified by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions, if applicable. The application must also include a drawing indicating existing depths for the project site and nearby channel, and a survey of submerged aquatic vegetation in the vicinity of the dredge site, and plans indicating the dimensions (width and depth) and the approximate date of previous dredging, and identifying the location of the upland disposal site(s).
2. The maintenance dredging area must have been authorized by the Corps and the dredging completed no more than 5 years prior to the current proposal.
3. Maintenance dredging authorized by nationwide permit #35 shall be limited to the dimensions (width and depth) of previously authorized dredging.
4. This nationwide permit does not authorize activities on the Chesapeake and Delaware Canal, the Delaware River downstream of the Penn Central Railroad Bridge in Trenton, New Jersey, or the Schuylkill River downstream of Fairmount Dam in Philadelphia, Pennsylvania.
5. **Essential Fish Habitat Regional Condition (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within**

military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

The Corps shall provide the required PCN to NMFS for individual EFH coordination and coordination (See general condition 30 and regional general condition 30a)

Nationwide Permit #36 Boat Ramps

Permit Specific Regional Conditions –

(Applicable in Maryland and the District of Columbia)

1. The length of boat ramps authorized by nationwide permit #36 shall not exceed 30 feet channelward of the mean high water line nor 25% of the width of the waterway.
2. A PCN is required under the terms of this NWP. Where the water depth at the proposed ramp is less than 2 feet at mean low water, the permittee must submit a PCN to the District Engineer (See general condition 30 and regional general condition 30a). The Corps' review period shall commence with the receipt of a permit application, at the Corps District Office, which has been completed in accordance with the established Corps permit application procedures. The prospective permittee shall not proceed until notified in writing by the District Engineer (normally 60 days) that the activity may proceed under the nationwide permit with any special conditions, if applicable.
3. 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.

(Applicable in Pennsylvania)

1. This nationwide permit does not authorize activities on the Chesapeake and Delaware Canal, the Delaware River downstream of the Penn Central Railroad Bridge in Trenton, New Jersey, or the Schuylkill River downstream of Fairmount Dam in Philadelphia, Pennsylvania.
2. 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.

Nationwide Permit #37 Emergency Watershed Protection and Rehabilitation

Permit Specific Regional Condition – none

Nationwide Permit #38 Cleanup of Hazardous and Toxic Waste

Permit Specific Regional Condition – none

Nationwide Permit #39 Commercial and Institutional Developments

Permit Specific Regional Conditions –

1. This NWP does not authorize fill for the construction of ponds, including stormwater management facilities, recreational ponds, or in-stream impoundments. In addition, it does not authorize the construction of sewage disposal systems.
2. Under the terms of this NWP, wetlands, which are located within the platted lot lines of any commercial, or institutional development, will be considered adversely affected, unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the District Engineer that these areas will be protected and preserved in perpetuity.

Nationwide Permit #40 Agricultural Activities

Permit Specific Regional Conditions –

1. Waters of the U.S., including wetlands, must be avoided where non-waters of the U.S. alternatives are available.
2. Pond construction must be of the minimum size required for the farming use.
3. In-stream ponds should be avoided to the maximum extent practicable.

Nationwide Permit #41 Reshaping Existing Drainage Ditches

Permit Specific Regional Condition – none

Nationwide Permit #42 Recreational Facilities

Permit Specific Regional Condition –

(Applicable in Pennsylvania)

A PCN is required under the terms of this NWP. The PCN must be concurrently forwarded to the U.S. Fish and Wildlife Service (FWS) for any activity proposing a discharge into waters of the United States, including jurisdictional wetlands, if a Pennsylvania Natural Diversity Inventory project environmental review receipt results are “FURTHER REVIEW IS REQUIRED” or “SEE AGENCY RESPONSE”. The District Engineer will make a final determination regarding the proposed project with consideration of FWS comments. Proof of applicant coordination with the FWS must be included with the PCN to the Corps.

Nationwide Permit #43 Stormwater Management Facilities

Permit Specific Regional Condition –

This NWP does not authorize the construction of recreational ponds or in-stream impoundments.

Nationwide Permit #44 Mining Activities

Permit Specific Regional Condition – none

Nationwide Permit #45 Repair of Uplands Damaged by Discrete Events

Permit Specific Regional Condition – none

Nationwide Permit #46 Discharges in Ditches

Permit Specific Regional Condition – none

Nationwide Permit #47 [Reserved]

Nationwide Permit #48 Existing Commercial Shellfish Aquaculture Activities

Permit Specific Regional Conditions –

1. The prospective permittee must submit a PCN to the District Engineer prior to doing the work for any proposed activity in waters of the United States, including jurisdictional wetlands, if the project includes the initial development of a commercial shellfish aquaculture site or the permittee does not have a valid lease from the State (See general condition 30 and regional general condition 30a).

2. Essential Fish Habitat Regional Conditions (Applicable only to the District of Columbia, Maryland, and activities affecting the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District):

a) The Corps shall provide the PCN to NMFS for individual EFH consultation and coordination for all activities proposing to relocate existing operations into portions of the project area not previously used for aquaculture activities (See general condition 30 and regional general condition 30a).

b) This NWP does not authorize activities for the cultivation and/or introduction into tidal waters of shellfish species that are not indigenous to the Chesapeake Bay and its tributaries and the Maryland coastal bays.

c) This NWP does not authorize activities for the mining of subtidal fossil shell deposits in the waters of the Chesapeake Bay and its tributaries for use as cultch for a shellfish cultivation operation.

d) Shellfish introduced into tidal waters of the Chesapeake Bay and its tributaries, or in the Maryland coastal bays, must be certified (under Maryland standards) as being disease and parasite free.

Nationwide Permit 49 Coal Remining Activities

Permit Specific Regional Condition –

A PCN is required under the terms of this NWP. The PCN to the District Engineer shall also include detailed site development, mining, and reclamation plans (as required by others) for any proposed activity in non-tidal waters of the United States, including jurisdictional wetlands (See general condition 30 and regional general condition 30a).

Nationwide Permit 50 Underground Coal Mining Activities

Permit Specific Regional Condition –

A PCN is required under the terms of this NWP. The PCN to the District Engineer shall also include detailed site development, mining, and reclamation plans (as required by others) for any proposed activity in non-tidal waters of the United States, including jurisdictional wetlands (See general condition 30 and regional general condition 30a).

Nationwide Permit A Land-Based Renewable Energy Generation Facilities

Permit Specific Regional Conditions –

1. This NWP does not authorize the construction of ponds, including stormwater management facilities or recreational ponds. In addition, it does not authorize the construction of sewage disposal systems.
2. Under the terms of this NWP, wetlands, which are located within the platted lot lines of any commercial, or institutional development, will be considered adversely affected, unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the District Engineer that these areas will be protected and preserved in perpetuity.
3. A PCN is required under the terms of this NWP. The PCN shall include information regarding how the selection of the alignment avoids and minimizes impacts to aquatic resources to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling is the preferred method of installation when possible, especially in tidal waters.

4. 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.
5. Utility lines installed below the plane of ordinary high water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the satisfaction of the District Engineer to be impracticable.
6. Where a utility line is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line and the waterway to avoid or minimize potential future impacts to Waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the District Engineer.
7. The top of the cable, encasement, or pipeline 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 cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.
8. Clay plugs, impervious membranes, or other state of the art methods shall be placed in the trench to reduce drainage through the backfill material. Photo-documentation of clay plugs at each crossing must be included with the "self-certification form."
9. For Aerial Transmission Lines Across Navigable Waters:
 - a) The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the

greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

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

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

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

c) For all submerged utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view showing the utility line crossing from bank to bank. In addition, the location and depth of the Federal Project Channel shall be shown in relation to the proposed utility line.

Nationwide Permit B Water-Based Renewable Energy Generation Pilot Projects

Permit Specific Regional Conditions –

1. This NWP does not authorize the construction of ponds, including stormwater management facilities or recreational ponds. In addition, it does not authorize the construction of sewage disposal systems.
2. Under the terms of this NWP, wetlands, which are located within the platted lot lines of any commercial, or institutional development, will be considered adversely affected, unless the wetlands are protected by conservation easement, deed conveyance or covenants, or any other real estate mechanism that can demonstrate to the District Engineer that these areas will be protected and preserved in perpetuity.
3. A PCN is required under the terms of this NWP. The PCN shall include information regarding how the selection of the alignment avoids and minimizes impacts to aquatic resources to the maximum extent practicable. The utility line should make a direct or perpendicular crossing of a stream. Directional drilling is the preferred method of installation when possible, especially in tidal waters.

4. 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.

5. Utility lines installed below the plane of ordinary high water of any stream or waterway shall be constructed under dry conditions, using stream diversions other than earthen cofferdams, unless it is demonstrated to the satisfaction of the District Engineer to be impracticable.

6. Where a utility line is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line and the waterway to avoid or minimize potential future impacts to Waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance. Measures designed to satisfy this condition must be described in any PCN to the District Engineer.

7. The top of the cable, encasement, or pipeline 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 cable, encasement, or pipeline is placed in rock, a minimum depth of one foot from the lowest point in the natural contour of the streambed shall be maintained. When crossing a maintained navigation channel, the requirements are a minimum of eight feet between the top of the cable, encasement, or pipeline and the authorized depth of the navigation channel. For maintained navigational channels, where the utility line is placed in rock, a minimum depth of two feet from the authorized depth of the navigation channel shall be maintained.

8. Clay plugs, impervious membranes, or other state of the art methods shall be placed in the trench to reduce drainage through the backfill material. Photo-documentation of clay plugs at each crossing must be included with the "self-certification form."

9. For Aerial Transmission Lines Across Navigable Waters:

- a) The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the United States Coast Guard for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load,

wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

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

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

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

- a. For all submerged utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view showing the utility line crossing from bank to bank. In addition, the location and depth of the Federal Project Channel shall be shown in relation to the proposed utility line.

II. Nationwide Permit General Regional Condition

Nationwide Permit General Condition #2 Aquatic Life Movement

Regional General Condition 2a - The permittee shall apply any appropriate time-of-year restrictions to protect the aquatic resources present within the project area and downstream of the project site. See attached addresses of agencies for information on state imposed time-of-year restrictions (Numbers 7, 8 & 9 for Pennsylvania; Numbers 10, 12, & 13 for Maryland; Number 15 for Washington, DC; and Number 17, 18, and 19 for Virginia).

Nationwide Permit General Condition #30

The following regional general conditions are incorporated as part of the terms and conditions of NWP General Condition 30, . These regional general conditions are applicable to all nationwide permits (NWPs) where a PCN is submitted to the District Engineer (DE). This includes the following: (a) those NWPs requiring notification to the DE pursuant to the NWP general conditions #22 and #30, (b) those NWPs requiring

notification to the DE pursuant to a regional condition, and (c) any other pre-constriction notifications to the DE where an applicant has requested verification of an NWP authorization. The NWPs that require a PCN include NWPs *1, *2, *3, *4, *5, *6, 7, 8, *9, *10, 11, 12, *13, *14, *15, 17, 18, *19, 21, *22, 23, *24, *25, 27, 28, 29, 30, 31, 33, 34, 35, *36, 37, 38, 39, 40, *41, 42, *43, 44, 45, 46, 47, 48, 49, 50, A and B, .

**These NWP activities require notification under certain circumstances. Review the NWP authorization, general conditions 22 & 30, or regional conditions to identify these circumstances.*

Regional General Conditions 30a

1. A PCN shall be submitted to the DE for any proposed activity, which would result in impacts, temporary or permanent, to jurisdictional wetlands in the following counties in Pennsylvania: Adams, Berks, Bucks, Chester, Carbon (Aquashicola Creek Watershed), Cumberland, Delaware, , Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, York, and Schuylkill (Swatara Creek Watershed).
2. A PCN shall be submitted to the DE for any proposed activity, which would be constructed in the following waterways: Allegheny River (from Kinzua Dam to the Ohio River)in Armstrong, Clarion, Forest, Venango, and Warren Counties; Conewango Creek in Warren County; French Creek in Crawford, Erie, Mercer, and Venango Counties; Conneaut Outlet in Crawford County; Conneauttee Creek in Crawford County; LeBoeuf Creek in Erie County); Muddy Creek in Crawford); Shenango River, (from Pymatuning Reservoir to Big Bend) in Crawford and Mercer Counties; and Delaware River in Monroe, Pike, and Wayne Counties. Concurrently, a copy of any PCN to the District Engineer must be forwarded to the U.S. Fish and Wildlife Service (See attached addresses of agencies, Number 2).
3. A PCN shall be submitted 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. 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/Wetlands%20Permits/>
4. All s (PCNs) to the District Engineer shall include all activities that the applicant plans to undertake that are reasonably related to the same project. 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 General Condition 30:
 - a) Plan(s) of the proposed work on 8-1/2 by 11 inch paper which includes a location map; longitude and latitude;; plan view drawings clearly

depicting the location, size, and dimensions of the proposed activity as well as the location of the delineated waters of the United States, including wetlands, for the entire project area. The drawings shall contain the amount (in cubic yards) and the area (square feet) of fill in Corps jurisdiction, including both permanent and temporary structures. All drawings shall include the ordinary high water mark, or if in tidal waters, the mean high water mark and high tide line; existing water depths; cross-sectional plan; depth of any structure(s) below mean low water; height of any structure(s) above mean high water; the maximum distance that the structure(s) or fill will extend channelward of the existing shoreline; the width of the waterway at the project site, the location of any dredged material disposal area, the distance from the edge of any navigation channel and the location of any temporary work, structures, vessels, or fills required for the construction, a copy of any previous Federal or State approvals, and the location and nature of any submerged aquatic vegetation (e.g., eel grass, *Zostera marina*) based on the previous five years of data available from the Virginia Institute of Marine Science.

- b) The PCN shall include a wetland and stream delineation for the entire project area, including latitude and longitude, identified on a scaled plan of the project site. All existing or proposed work in aquatic resources shall be identified on the same-scaled plan. Further, at the discretion of the District Engineer, the Corps may determine that a PCN incomplete if it is determined that field verification of the wetland delineation is required.
- c) Numbered and dated pre-project color photographs showing all aquatic resources proposed to be impacted on the project site. The compass angle and position of each photograph shall be documented on the plan view drawing.
- d) Evidence that the prospective permittee has already contacted and received a response from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service concerning any Federally listed Threatened and Endangered Species that may be affected by the proposed activity. The addresses for these agencies are attached (Numbers 2 & 4 for Pennsylvania; Numbers 3 & 5 for Maryland and Washington, DC; and Numbers 19 & 20 for Virginia).
- e) Evidence that the prospective permittee has already contacted and received a response from the State Historic Preservation Office concerning historic properties that may be affected by the proposed activity. The addresses for these agencies are attached (Numbers 6 for Pennsylvania; Number 11 for Maryland; Number 14 for Washington, DC; and Number 16 for Virginia).

- f) Documentation from the appropriate State agency indicating whether the proposed project is located within a State Natural Heritage site, Outstanding National Resource Water, or National Estuarine Research Reserve. (For further information see NWP general condition 21). The addresses for these agencies are attached (Numbers 2, 4, & 7 for Pennsylvania; Numbers 3, 5, 10, 12, & 13 for Maryland; Numbers 3, 5, & 15 for Washington, DC; and Numbers 17, 18, 19, & 20 for Virginia).
- g) A written statement describing the following:
 - i. what measures have been taken to avoid impacts to aquatic resources;
 - ii. what measures have been taken to minimize unavoidable impacts to aquatic resources;
 - iii. what measures have been developed to compensate for the loss of aquatic resources. Where compensatory mitigation is required, approval of a mitigation plan (complete with the 12 fundamental components of a compensatory mitigation plan, as identified in 33 CFR 332.4/40 CFR 230.92.4 (c)) is required prior to initiating any authorized work.

5. When a PCN is required, the Corps review period shall commence with the receipt of a complete permit application at the Corps District Office. The prospective permittee shall not begin the activity until notified in writing by the District Engineer (normally within 45 days) that the activity may proceed under the nationwide permit with any special conditions imposed, if applicable.

6. Where required by the regional conditions of the NWP, the prospective permittee must submit a PCN to the District Engineer for any activity that may adversely affect Essential Fish Habitat (EFH) within the District of Columbia, Maryland, and the Potomac River watershed within military installations of Northern Virginia in the regulatory geographic boundaries of the Baltimore District. The District Engineer will immediately provide (e.g., via email, facsimile transmission, or other expeditious manner) a copy of the PCN, including project description, site location map, project plans, and any ancillary information relevant to the National Marine Fisheries Service's (NMFS') expertise, and an EFH assessment, where appropriate, to the NMFS for individual EFH consultation and coordination. The National Marine Fisheries Service-Chesapeake Bay Office shall then have a 30 day review and comment period from the date of their receipt of the EFH assessment, as provided by the Magnuson-Stevens Act.

7. Any requests to waive the 300 linear foot limitation for the intermittent and ephemeral streams for NWP 21, 29, 39, 40, 42, 43, 44, 50, and proposed NWP A and NWP B or to waive the 500 linear foot limitation along the bank for NWP 13 or to waive the 20 foot width limitation for NWP 36, must include:

- a) A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length,

width, and depth of the waterbody and characters observed associated with the Ordinary High Water Mark (e.g., bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e., wetland, nonwetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.

- b) An analysis of the proposed impacts to the waterbody in accordance with General Condition 30.
- c) Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
- d) A mitigation plan describing how the unavoidable losses are proposed to be compensated (complete with the 12 fundamental components of a compensatory mitigation plan, as identified in 33 CFR 332.4/40 CFR 230.92.4 (c)).

8. Any compensatory mitigation required by special conditions of the NWP verification shall be completed before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When compensatory mitigation involves use of a mitigation bank or in-lieu-fee program, the special conditions of the permit must identify the specific mitigation bank or in-lieu-fee program used to provide the required compensatory mitigation and the number and resource type of credits the permittee is required to secure. Proof of payment to the approved mitigation bank or in-lieu-fee program shall be submitted to the appropriate Corps district prior to commencement of construction of the authorized activity. The amount of required compensatory mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions. A watershed approach to compensatory mitigation should be used that considers the importance of landscape position and resource type of compensatory mitigation projects for the sustainability of aquatic resource functions within the watershed.

SPECIAL NOTES:

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

2. The attached addresses should be used for notification to those agencies required by regional conditions.

List of Agencies:

(1)Environmental Protection Agency
1650 Arch Street - 3ES42
Philadelphia, Pennsylvania 19103-2029

(2)U.S. Department of the Interior
Fish and Wildlife Service
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

(3)U.S. Department of the Interior
Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

(4)National Marine Fisheries Service
Habitat Conservation Division
74 Magruder Road, Sandy Hook
Highlands, New Jersey 07732

(5)National Marine Fisheries Service
Chesapeake Bay Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

(6)Pennsylvania Historical & Museum
Commission
Bureau of Historic Trust
P.O. Box 1026
Harrisburg, Pennsylvania 17110

(7)Pennsylvania Fish & Boat
Commission
Bureau of Fisheries & Engineering
450 Robinson Lane
Bellefonte, Pennsylvania 16823-9616

(8)Pennsylvania Department of
Environmental Protection
Division of Waterways, Wetlands &
Erosion
Control
P.O. Box 8775
Harrisburg, Pennsylvania 17105-8775

(9)Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

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

(11)Maryland Historical Trust
Division of Historical & Cultural Programs
100 Community Place
Crownsville, Maryland 21032-2023

(12)Maryland Department of the
Environment
Water Resources Administration
Tidal Wetlands Division
Montgomery Park Business Center, Ste 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

(13)Maryland Department of the
Environment
Non-tidal Wetlands and Waterways
Division/CZC Unit
Montgomery Park Business Center, Ste 430
Baltimore, Maryland 21230-1708

(14)District of Columbia State Historic
Preservation Officer
441 4th Street, NW
Washington, DC 20002

(15)Department of Health
Environmental Health Administration
Bureau of Environmental Quality
Water Quality Division
Water Quality Control Branch
51 N Street, NE, 5th Floor
Washington, DC 20002

(16) Virginia Department of Historic
Preservation
2801 Kesington Avenue
Richmond, Virginia 23221

(17) Virginia Department of Game and
Inland Fisheries
4010 West Broad Street
P.O. Box 11104
Richmond, Virginia 23230

(18) Northern Regional Office
Virginia Department of Environmental
Quality
13901 Crown Court
Woodbridge, Virginia 22193

(19) Virginia Marine Resources Commission
Habitat Management Division
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

(20) U.S. Fish and Wildlife Service
Division of Habitat and Resource
Conservation
4401 N. Fairfax Drive, Suite 840
Arlington, Virginia 22203