

Enclosure 1: Final 2021 Nationwide Permit (86 FR 2744) 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 12: Oil or Natural Gas Pipeline Activities

NWP 29: Residential Developments

NWP 39: Commercial and Institutional Developments

NWP 40: Agricultural Activities

NWP 42: Recreational Facilities

NWP 43: Stormwater Management Facilities

NWP 51: Land-Based Renewable Energy Generation Facilities

NWP 57: Electric Utility Line and Telecommunications Activities

NWP 58: Utility Line Activities for Water and Other Substances

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://www.lrp.usace.army.mil/Portals/72/Regulatory_District_Map_Poster%2020190925_0921.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

Phone: (412) 395-7155

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

a) The Delaware River, downstream of the U.S. Route 202 Bridge at New Hope, Pennsylvania;

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

3. Nationwide Permits 12, 57, and 58 when the regulated activity or area of indirect impact (secondary impact) is not wholly located within the Commonwealth of Pennsylvania, i.e. the regulated activity extends across state boundaries.

II. State of Maryland

- A. The suspension of the NWP's listed in section II.B of this notice is **not applicable** within the State of Maryland in certain wetlands and other waters of the United States near the Chesapeake and Delaware Canal. These areas include Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways. These exempted areas fall within the U.S. Army Corps of Engineers (Corps) Philadelphia District's regulatory geographic boundaries.
- B. The following NWP's are **suspended** in the State of Maryland, except in the areas described in Section II.A above:

- NWP 12: Oil or Natural Gas Pipeline Activities
- NWP 21: Surface Coal Mining Activities
- NWP 29: Residential Developments
- NWP 39: Commercial and Institutional Developments
- NWP 40: Agricultural Activities
- NWP 42: Recreational Facilities
- NWP 43: Stormwater Management Facilities
- NWP 44: Mining 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 57: Electric Utility Line and Telecommunications Activities
- NWP 58: Utility Line Activities for Water and Other Substances

III. District of Columbia

- A. The following NWP's are **suspended** within the District of Columbia:

- NWP 21: Surface Coal Mining Activities
- NWP 48: Aquaculture Activities
- NWP 50: Underground Coal Mining Activities
- NWP 55: Seaweed Mariculture Activities
- NWP 56: Finfish 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. Beth E. Bachur at (410) 962-4336, or by email at Beth.Bachur@usace.army.mil.