

**REGIONAL CONDITIONS TO THE 2020 NATIONWIDE PERMITS FOR THE
DISTRICT OF COLUMBIA AND VIRGINIA AT FORT BELVOIR, FORT MYER,
AND THE PENTAGON**

All regional conditions listed in Section I and II below are applicable for activities in the District of Columbia. For statewide regional consistency, Norfolk District's regional conditions will apply for all 2020 NWP activities in Virginia at Fort Belvoir, Fort Myer, and the Pentagon, except for NWP 14 and NWP 29, which have restricted uses in Virginia. For NWP 14 and NWP 29, the Baltimore District's regional conditions will apply in Virginia at Fort Belvoir, Fort Myer, and the Pentagon. Regional conditions applicable to the Commonwealth of Virginia 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 and for NWP 14 and NWP 29 at Fort Belvoir, Fort Myer, and the Pentagon in Virginia.

A. Nationwide Permit #3 Maintenance

1. Prior to commencing the activity, non-federal permittees must submit a pre-construction notification (PCN) to the District Engineer for this Nationwide Permit (NWP) in the following circumstance (see General Condition 32 and Regional General Condition 32). The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service (NMFS) pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act:
 - a. A one-way tide gate is proposed to be used to replace an existing tide gate, or when maintenance is proposed on an existing one-way tide gate. The prospective permittee, as part of the PCN, shall explain why it is not practicable to replace the tide gate with self-regulating tide gates.
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:

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

C. Nationwide Permit #6 Survey Activities:

Enclosure 4

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. In order to minimize the effects of intakes on anadromous fish eggs and larvae, and oyster larvae, intake structures should be equipped with screening (with mesh size no larger than 2mm) of wedge wire or another material of equal or better performance. In addition, intake velocities should not exceed 0.5 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. The applicant may refer to the Virginia Institute of Marine Science aerial surveys for obtaining such information. <http://web.vims.edu/bio/sav/index.html>.

F. Nationwide Permit #11 Temporary Recreational Structures Prior to doing the work, non-federal permittees must submit a Preconstruction Notification to the District Engineer (see General Condition 32 and Regional General Condition 32).

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. This Nationwide Permit does not authorize the placement of any temporary structures in any areas mapped and/or ground-truthed (during the growing season) with SAV. The applicant may refer to the Virginia Institute of Marine Science aerial surveys for obtaining such information. <http://web.vims.edu/bio/sav/index.html>. The applicant should also refer to other reliable sources to comply with this condition.

G. Nationwide Permit #12 Oil or Natural Gas Pipeline Activities: Prior to doing the work, non-federal 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:
 - 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 specifically reviewed and approved by the District Engineer.
 - b. All excess or suitable dredged and/or excavated material not used as backfill over any pipeline shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:
 - a. For all submerged pipelines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view drawing showing the utility line crossing from bank to bank in relationship to the waterway bottom;
 - b. For pipeline projects completed by horizontal directional drilling or boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S., then the permittee must notify the Corps immediately and submit a 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 pipeline should make a perpendicular crossing of a stream where feasible. Horizontal directional drilling shall be reviewed as an option where feasible.
4. In general, all pipelines shall be buried the minimum depth below the authorized depth of the federal navigation channel consistent with the District's requirements. Section 408 permission may be required.

H. Nationwide Permit #14 Linear Transportation Projects (applicable to District of Columbia and Virginia at Fort Belvoir, Fort Myer, and the Pentagon)

1. Prior to doing the work, the non-federal 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 and nontidal streams that result in a loss more than 1/10 acre of waters of the U.S., the District Engineer will coordinate review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

I. Nationwide Permit #18 Minor Discharges Prior to doing the work, non-federal permittees shall submit a Pre-Construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

J. Nationwide Permit #19 Minor Dredging Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

K. Nationwide Permit #23 Approved Categorical Exclusions Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

L. Nationwide Permit #27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities: Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional Condition 32).

1. 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.
2. The Corps of Engineers will coordinate the review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

M. Nationwide Permit #28 Modifications of Existing Marinas: Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (See General Condition 32 and Regional General Condition 32).

N. Nationwide Permit #29 Residential Developments (applicable to District of Columbia and Virginia at Fort Belvoir, Fort Myer, and the Pentagon)

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

O. Nationwide Permit #33 Temporary Construction, Access and Dewatering: Prior to doing the work, non-federal permittees shall submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

P. Nationwide Permit #35 Maintenance Dredging of Existing Basins: Prior to doing the work, non-federal permittees must submit a Pre-construction Notification (PCN) to the District Engineer (see General Condition 32 and Regional General Condition 32).

Q. 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, non-federal permittees must submit a Pre-construction Notification to the District Engineer (see General Condition 32 and Regional General Condition 32).

R. Nationwide Permit #39 Commercial and Institutional Developments

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

S. 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.

T. Nationwide Permit 51 Land-Based Renewable Energy Generation Facilities

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

2. The PCN must indicate the project life span and include a maintenance, decommissioning, and demolition plan for the life of the project.

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

1. The PCN must indicate the project life span and include a detailed maintenance, decommissioning and demolition plan for the life of the project.
2. For activities in all tidal and nontidal streams, the Corps of Engineers will coordinate review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

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

1. For activities in all tidal and nontidal coastal plain streams, the Corps of Engineers will coordinate review of the Pre-construction Notification with the National Marine Fisheries Service pursuant to the requirements of the Magnuson Stevens Fishery Conservation and Management Act.

W. 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 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

X. Nationwide Permit C *Electric Utility Line and Telecommunications Activities:* Prior to doing the work, non-federal 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:
 - 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 specifically reviewed and approved by the District Engineer.

- b. All excess or suitable dredged and/or excavated material not used as backfill over any cable shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:
 - a. For all submerged cables across navigable waters of the United States, the PCN shall include a location map and cross-sectional view drawing showing the cable line crossing from bank to bank in relationship to the waterway bottom;
 - b. For utility line projects completed by horizontal directional drilling or boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S., then the permittee must notify the Corps immediately and submit a 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 utility line should make a direct or perpendicular crossing of a stream. Horizontal directional drilling shall be reviewed as an option where feasible.
4. In general, all 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 may be required.
5. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.
6. The District Engineer will coordinate review of the PCN with the National Marine Fisheries Service pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act when:
 - a. Foundations for overhead utility line towers, poles, and anchors are located below the mean high water line in tidal waters, or the ordinary high water line of nontidal streams.

Y. Nationwide Permit D Utility Line Activities for Water and Other Substances: Prior to doing the work, non-federal 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:
 - 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 specifically reviewed and approved by the District Engineer.
 - b. All excess or suitable dredged and/or excavated material not used as backfill over any utility line shall be disposed of in an upland area and shall be stabilized with straw bales, silt fence, or other acceptable methods to prevent reentry into any waterway or wetland;
2. The PCN shall include the following additional information:
 - c. For all submerged utility lines across navigable waters of the United States, the PCN shall include a location map and cross-sectional view drawing showing the utility line crossing from bank to bank in relationship to the waterway bottom;
 - d. For utility line projects completed by horizontal directional drilling or boring methods: A plan to address the prevention, containment, and cleanup of sediment or other materials caused by inadvertent returns of drilling fluids to waters of the U.S. through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the U.S., then the permittee must notify the Corps immediately and submit a 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 utility line should make a direct or perpendicular crossing of a stream. Horizontal directional drilling shall be reviewed as an option where feasible.
4. In general, all 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 may be required.
5. Compensatory mitigation may be required for permanent conversion of wetlands within the utility line corridor.

II. Regional Conditions Applicable to Multiple and/or All 2020 Nationwide Permits within the District of Columbia and for NWP 14 and NWP 29 at Fort Belvoir, Fort Myer, and the Pentagon in Virginia.

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, the general conditions found in the proposal to reissue and modify the NWP published in the *Federal Register* on September 15, 2020 (85 FR 179), and any case-specific conditions imposed by the Corps.

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

1. Conditions for Anadromous Fish Use Areas:

- a. This condition applies to NWPs: 3a, 3b, 12, 13, 14, 18, 19, 22, 25, 27, 28, 29, 33, 35, 36, 38, 39, 42, 45, 53, 54, A, B, C, D, and E.

To ensure that 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, unless specifically waived by the District Engineer in consultation with NMFS-HCD.

2. Culverted road crossings of perennial and intermittent streams culverts must meet the below depression criteria or a Pre-Construction Notification (PCN) is required to be submitted to the District Engineer for review, in coordination with the National Marine Fisheries Service in anadromous fish use areas. 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.
3. If depression of the culvert is not practicable in accordance with this depression criteria, the non-federal 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 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 U.S. Fish and Wildlife Service (FWS) ESA species:** All non-federal permittees must use the FWS Chesapeake Bay Field Office Project Review website

(IPaC) (<https://www.fws.gov/chesapeakebay/EndSppWeb/ProjectReview/Index.html>) to determine if any federally listed species or designated critical habitat maybe present in the proposed project area. A complete application must contain one of the following:

- a. If the FWS website shows that listed species or designated critical habitat may be present in the proposed project area, then, using the FWS website tool, the permittee must obtain and submit with the PCN a FWS Official Species List tailored for the proposed project area. An Official Species List is considered valid for 90 days.
- b. If the FWS website shows that no listed species or designated critical habitat are determined to be present in the proposed project area, then, using the FWS website tool: the permittee must generate and submit with the PCN a report that includes an online self-certification letter and a map of action area.

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 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. Vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported to the National Marine Fisheries Service.

4. **Conditions for Pile Driving Activities Applicable Within Tidal Waters in the District of Columbia:**
 - a. For the protection of listed species, pile driving methods must maintain noise level thresholds not to exceed 150dB sound exposure level (SEL) re 1 μ Pa or 206dB peak re 1 μ Pa and for any pile driving activity that exceeds the peak sound level. 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 when a cushioned impact hammer or vibratory hammer is utilized for installation.
 - ii. Timber piles must be 12 inches or less 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 includes 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.

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:
 - a. Potomac River from the mouth of the Chesapeake Bay to the Little Falls Dam, including Brenton Bay and St. Clements Bay

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-construction 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. **Conditions for Waters Containing Submerged Aquatic Vegetation (SAV) Beds:** This condition applies to NWPs: 3, 5, 6, 7, 10, 11, 12, 13, 14, 18, 19, 23, 27, 28, 35, 38, 48, 52, 53, 54, A, B, C, D, and E. When a PCN is required, the District Engineer will provide a copy of the complete PCN to the NMFS-HCD Chesapeake Bay Office 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 PCN shall include plans depicting the entire project footprint and adjacent waters overlaid on composite mapping of the 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). The NMFS will have a 30 calendar day review and comment period from the date of their receipt of the EFH assessment, as provided by the Magnuson-Stevens Fishery Conservation and Management Act. Additional avoidance and minimization measures, such as relocating a structure or time-of-year restrictions may be required to reduce impacts to SAV habitat. The Virginia Institute of Marine Science aerial surveys may be obtained at: <http://web.vims.edu/bio/sav/index.html>.

3. All PCNs to the District Engineer shall be completed using the established District Engineer permit application procedures for that locality. Preferably all PCN information can be submitted electronically or alternatively a hard copy may be sent to the Corps. The PCN 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 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. 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 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 District State Historic Preservation Office 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, reference NWP General Condition 22.
4. Applicable to all perennial and intermittent streams within anadromous fish use areas: the Corps shall provide a copy of the PCN, including the supporting documentation, to the NMFS in accordance with the Magnuson Stevens Fishery Conservation and Management Act for any culvert which cannot be depressed as outlined in Regional General Condition 2 for Aquatic Life Movements for NWPs 3, 12, 14, 29, 33, 39, 42, and any other applicable NWPs. The NMFS will have a 30 calendar day review and comment period from the date of their receipt of the Essential Fish Habitat Assessment, as provided by the Magnuson-Stevens Fishery Conservation and Management Act.

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:

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

- 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 U.S. 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), 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: http://www.uscg.mil/forms/cg/CG_2554.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

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

SPECIAL NOTES:

1. Where 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 District to obtain an activity specific review and approval by the District prior to submitting any required PCN to the Corps of Engineers.
2. The following addresses shall be used for notification to those Federal and State agencies, where the review of the PCN must be coordinated by the District Engineer.

District of Columbia Office of
Planning Historic Preservation Office
1100 4th Street, SW

Virginia Department of Historic
Resources
Attn: Project Review
2801 Kensington Avenue
Richmond, Virginia 23221

Suite E 650
Washington, DC 20024

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

District Department of Environment
Water Quality Division
51 N Street, NE, 6th Floor
Washington, DC 20002

Northern Regional Office
Virginia Department of Environmental

Quality
13901 Crown Court
Woodbridge, Virginia 22193

Virginia Marine Resources
Commission
Habitat Management Division
2600 Washington Avenue, 3rd Floor
Newport News, Virginia 23607-0756

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

U.S. Fish & Wildlife Service
District of Columbia
1849 C Street NW, Room 3331
Washington, DC 20240-0001

National Marine Fisheries
Service-Chesapeake Bay Office
Habitat Conservation and Ecosystem
Services Division
200 Harry S. Truman Pkwy, Ste 460
Annapolis, Maryland 21401