



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

New York District Nationwide
Permit Regional Conditions
Issue Date: October 13, 2006
Expiration Date: November 27, 2006

PROPOSED REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE NEW YORK DISTRICT (NEW YORK STATE)

The New York District is seeking comments on proposed regional conditions for Nationwide Permits (NWP) and on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. On September 26, 2006, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue its NWPs.

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 NWPs require notification to the district engineer before commencing the work, to ensure that the activities authorized by those NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

Comments Concerning the Proposed NWPs: The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on these NWPs should be submitted to U.S. Army Corps of Engineers, Attn: CECW-OR/MVD (David B. Olson), 441 G Street NW., Washington, DC 20314-1000 and should include the docket number, COE-2006-0005, and/or the ZRIN number, 0710-ZA02, in the subject line of the message. Instructions for submitting comments are provided in the September 26, 2006 Federal Register notice. Comments on the proposed NWPs are due by November 27, 2006.

Comments Concerning the Proposed NWP Regional Conditions: 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 NWPs are minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration for the portion of New York State located within the New York District. The New York District is 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 NWPs are minimal. All proposed regional conditions listed on this enclosure are

applicable for activities in the portion of New York State located within the New York District.

Comments on regional issues relating to the proposed NWP regional conditions are to be sent to: James Cannon, USACE, New York District, 26 Federal Plaza, Room 1937, New York, New York 10278. Comments relating to the regional conditions must be submitted in writing and received no later than November 27, 2006. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices. The Buffalo District has regulatory authority in the western portion of New York State and will be issuing a separate public notice. A copy of their notice will be posted at: <http://www.lrb.usace.army.mil/regulatory/notices.htm>. Please see the attached regulatory boundary map (Enclosure 2) for New York State to ensure comments are directed to the appropriate District Office(s).

In conjunction with the Federal Register notice, Corps districts will be announcing proposed regional conditions for these NWPs for public comment. When the final NWPs 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 NWPs. After that 60-day period, the NWPs 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 NWPs with the requirements for issuance under general permit authority. These documents, as well as the proposed NWPs, are available for viewing at the New York District, 26 Federal Plaza, Room 1937, New York, New York 10278 or on the Internet at the www.regulations.gov site (docket ID number COE-2006-0005). Final decision documents will be prepared for those NWPs that are issued. In addition, supplemental decision documents will be issued by division engineers to address their determinations concerning regional conditions for the NWPs.

Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through www.regulations.gov (docket ID number COE-2006-0005), the Corps home page or the Federal Register address listed below.

Internet addresses:

Copies of the Federal Register notice and the draft decision documents will also be available at <http://www.regulations.gov> in docket ID number COE-2006-0005.

The Corps home page is:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/> .

As an alternate, internet users can access the Federal Register through the Government Printing Office (GPO) at

<http://www.gpoaccess.gov/fr/index.html> .

The New York District will post all documents relating to the NWP program at

<http://www.nan.usace.army.mil/business/buslinks/regulat/permits/index.htm>

Index of Proposed Nationwide Permits, Conditions, and Definitions

Proposed Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Operations
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
 - A. Emergency Repair Activities
 - B. Discharges into Ditches and Canals
 - C. Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
 - D. Commercial Shellfish Aquaculture Activities
 - E. Coal Remining Activities
 - F. Underground Coal Mining Activities

Proposed Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects from Impoundments
9. Management of Water Flows
10. Fills Within 100-Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Wild and Scenic Rivers
16. Tribal Rights
17. Endangered Species
18. Historic Properties
19. Designated Critical Resource Waters
20. Mitigation
21. Water Quality
22. Coastal Zone Management
23. Regional and Case-by-Case Conditions
24. Use of Multiple Nationwide Permits
25. Transfer of Nationwide Permit Verifications
26. Compliance Certification
27. Pre-Construction Notification

Proposed Nationwide Permit Definitions

Best management practices (BMPs)
Compensatory mitigation
Currently serviceable
Enhancement
Ephemeral stream
Establishment (creation)
Independent utility
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Perennial stream
Practicable
Pre-construction notification
Preservation
Re-establishment
Rehabilitation
Restoration
Riffle and pool complex
Riparian areas
Single and complete project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Structure
Tidal wetland
Vegetated shallows

ENCLOSURE 1
NATIONWIDE PERMIT REGIONAL CONDITIONS AND DESIGNATED
CRITICAL RESOURCE WATERS IN THE NEW YORK DISTRICT
(NEW YORK STATE)

A. GENERAL REGIONAL CONDITIONS

These conditions apply to ALL Nationwide Permits.

1. Construction Best Management Practices (BMP's): The following BMP's must be implemented to minimize erosion, migration of sediments, and adverse environmental impacts, unless specifically approved otherwise:

- a. Mulch, hay bales, silt fences, or other means must be properly employed to minimize erosion and migration of sediments during construction. Temporary measures must be removed upon completion.
- b. Construction access shall be by means that avoid and minimize impacts to aquatic sites (e.g., upland access, floating barges, mats, etc.).
- c. All excess excavated material remaining on site must be properly contained and permanently stabilized to prevent erosion.
- d. Upon project completion, impacted land surfaces must be permanently stabilized to prevent erosion.
- e. Upon project completion, temporarily impacted aquatic sites must be restored to their original contours and conditions.
- f. All return flow of dredged material shall not result in an increase in turbidity in the receiving water body that will cause a substantial visible contrast to natural conditions.
- g. For activities involving pouring of concrete into waters of the United States, the permittee must employ watertight forms. The forms shall be dewatered prior to the pouring of concrete.
- h. Materials resulting from the ditch reshaping activities and trench excavation for utility line installation which are temporarily sidecast into waters of the United States must be removed to an upland area within 30 days of the date of deposition.
- i. Materials resulting from trench excavation for utility line installation, which are temporarily sidecast into waters of the United States, must be backfilled or removed within 30 days of the date of their deposition
- j. Discharges of fill material associated with the construction of temporary access roads and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to preconstruction contours, elevations and wetland conditions.
- k. All synthetic erosion control features (e.g. silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade after time, may be used as permanent measures, or if used temporarily, may be abandoned in place.
- l. New stormwater management facilities shall be located outside of waters of the United States. Where new stormwater management facilities must be located within waters of the United States, justification shall be provided demonstrating that the Section 404(b)(1) Guidelines have been met.
- m. Culverts shall be installed to preserve hydraulic connectivity and to prevent erosion at its present level, between the waters of the U.S. on either side of the culvert. Culverts shall be installed sufficiently to prevent restriction of flows and/or faunal movement. If future inspections discover damage to any waters of the U.S. likely due to poor construction practices, the permittee shall take necessary measures to correct this deficiency.

2. No activity can cause the loss of bogs or fens. The determination as to whether a given area constitutes a bog or a fen rests with the New York District, Corps of Engineers.

3. For all proposals requiring a pre-construction notification (PCN), in addition to the requirements in General Condition 27(b), the applicant shall also include:

- a. A completed New York State/USACE Joint Application Form which clearly indicates that the submission is a PCN.
- b. A location map, including latitude and longitude or UTM Coordinates, of the project location and project drawings on 8^{1/2} by 11 inch paper.
- c. Color photographs, sufficient to accurately portray the project site, keyed to a location map.
- d. A description of the proposed construction practices that would be implemented to perform the proposed work and a description of the reasonably foreseeable direct and indirect effects to waters of the U.S. from the proposed construction practices.
- e. A compensatory mitigation plan prepared in accordance with the "Public Notice Announcing the Compensatory Mitigation Guidelines and Mitigation Checklist for Review of Mitigation Plans for the U.S. Army Corps of Engineers, New York District," dated January 10, 2005, for all projects that involve the loss of over 1/10 acres of waters of the U.S., are located within perennial streams, or requested a waiver of the 300 linear foot limit on intermittent and ephemeral streams. Mitigation guidelines and checklist can be found at www.nan.usace.army.mil/business/buslinks/regulat/pnotices/mitfinal.pdf.

4. Nationwide Permits 39, 41, 42, and 43 are not available for activities located within the Harbor Herons System in Staten Island, New York, as identified in the Harbor Herons Report Dated February 1990. For additional information on the Harbor Herons Report, please contact the Trust for Public Land at the following address:

The Trust for Public Land
Mid-Atlantic Regional Office
666 Broadway
New York, N.Y. 10012

5. Nationwide Permits 39, 41, 42, and 43 are not available for activities located in the following waterbodies:

- a. The Great Swamp in Putnam and Dutchess Counties
- b. Mianus River and directly adjacent wetlands.

B. PERMIT SPECIFIC REGIONAL CONDITIONS:

Nationwide Permit 1 - Aids to Navigation

1. Permit-specific Regional Conditions: None

Nationwide Permit 2 - Structures in Artificial Canals

1. Permit-specific Regional Conditions: None

Nationwide Permit 3 - Maintenance

1. **Permit-specific Regional Conditions:**
 - a. For activities involving the removal of accumulated sediments and debris in the vicinity of existing structures to restore the waterway to previously existing depths, the applicant must provide evidence of such depths. If this information is not available, the applicant must provide evidence of the existing depths immediately outside the proposed work area.
 - b. Any proposed repair, rehabilitation, or reconstruction of existing bulkheads that extend waterward more than 18 inches from the existing bulkhead will require notification to the District Engineer in accordance with Nationwide Permit General Condition Number 13 ("Notification"). Notification must include justification for a waterward extension exceeding eighteen (18) inches, such as geologic conditions, engineering requirements, etc.
 - c. Any replacement culverts or structures cannot constrict stream flow any more than existing conditions, and should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.

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

1. Permit-specific Regional Conditions: None

Nationwide Permit 5 - Scientific Measurement Devices

1. Permit-specific Regional Conditions: None

Nationwide Permit 6 - Survey Activities

1. Permit-specific Regional Conditions: None

Nationwide Permit 7 - Outfall Structures and Associated Intake Structures

1. **Permit-specific Regional Conditions:**
 - a. The applicant must provide the velocity (in ft/s) of the proposed intake and the name, drawings, and general operational information of any device the applicant proposes to use to prevent impingement or entrainment of fish and wildlife.

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

1. Permit-specific Regional Conditions: None

Nationwide Permit 9 - Structures in Fleeting and Anchorage Areas

1. Permit-specific Regional Conditions: None

Nationwide Permit 10 - Mooring Buoys

1. Permit-specific Regional Conditions:

- a. Mooring buoys must be tagged with the name and the address of the owner. The placement of buoys must not hinder navigation, create unsafe conditions to the public, or hinder safe access to and from a person's property. Buoys must be placed so that each moored vessel will avoid contact or interference with any other moored vessel or structure.

Nationwide Permit 11 - Temporary Recreational Structures

1. Permit-specific Regional Conditions: None.

Nationwide Permit 12 - Utility Line Activities

1. Permit-specific Regional Conditions:

a.. For Aerial Transmission Lines Across Navigable Waters:

1. The following minimum clearances are required for aerial transmission lines across 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:

<i>Nominal System Voltage (kV)</i>	<i>Min. additional clearance (ft.) above clearance required for bridges</i>
115 and below	20
136	22
161	24
230	26
350	30
500	35
700	42
750 and above	45

2. Clearances for communication lines and other aerial crossings must be a minimum of 10 feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

b. For Buried Cables and Pipelines Across Navigable Waters and Federal Navigation Channels:

1. The top of the cable or pipeline crossing any Federal project channel shall be located a minimum of 15 feet below the authorized project channel depth. The District Engineer, on a case-by-case basis, may modify this depth requirement where circumstances are deemed appropriate. In areas outside of Federal project channels, the top of the cable or pipeline shall be located a minimum of 4 feet below the existing level of the waterway substrate. Where trenching and backfilling are proposed, backfill material shall consist of suitable heavy materials and shall be placed no higher or lower than the adjacent river bottom elevation.
2. Within 15 days after completion of the authorized work, the permittee shall post visible signage on weatherproof placards no smaller than 4 feet by 4 feet on each shoreline at the location of the authorized crossing. The placard shall contain language informing waterway users of the presence of a cable or pipeline crossing (e.g., "WARNING – CABLE [or PIPELINE] CROSSING"), unless specifically authorized otherwise by the District Engineer.

Nationwide Permit 13 - Bank Stabilization

1. **Permit-specific Regional Conditions:**
 - a. A PCN is required if vertical structures (bulkheads) are proposed. The applicant must justify why other less intrusive measures are not practicable.

Nationwide Permit 14 - Linear Transportation Projects

1. **Permit-specific Regional Conditions**
 - a. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
 - b. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
 - c. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
 - d. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

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

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 16 - Return Water From Upland Contained Disposal Areas

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 17 - Hydropower Projects

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 18 - Minor Discharges

1. **Permit-specific Regional Conditions:**
 - a. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
 - b. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
 - c. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
 - d. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 19 - Minor Dredging

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 20 - Oil Spill Cleanup

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 21 - Surface Coal Mining Activities

1. Permit-specific Regional Conditions: None

Nationwide Permit 22 - Removal of Vessels

1. Permit-specific Regional Conditions: None

Nationwide Permit 23 - Approved Categorical Exclusions

1. Permit-specific Regional Conditions: None

Nationwide Permit 24 – Indian Tribe or State Administered Section 404 Program

1. Permit-specific Regional Conditions: None

Nationwide Permit 25 - Structural Discharges

1. Permit-specific Regional Conditions: None

Nationwide Permit 26 – Reserved

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

1. Permit-specific Regional Conditions: None

Nationwide Permit 28 - Modifications of Existing Marinas

1. Permit-specific Regional Conditions: None

Nationwide Permit 29 - Residential Developments

1. **Permit-specific Regional Conditions:**
 - a. The proposed impacts to waters of the United States shall include those direct impacts associated with construction of the proposed project, as well as any indirect impacts which may occur as a result of the proposal (i.e. reasonably sized yards should be proposed to accommodate the particular type and location of residence, impacts to existing hydrologic regimes).
 - b. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
 - c. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
 - d. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
 - e. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 30 - Moist Soil Management for Wildlife

1. Permit-specific Regional Conditions: None

Nationwide Permit 31 - Maintenance of Existing Flood Control Facilities

1. Permit-specific Regional Conditions: None

Nationwide Permit 32 - Completed Enforcement Activities

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 33 - Temporary Construction, Access and Dewatering

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 34 - Cranberry Production Activities

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 35 - Maintenance Dredging of Existing Basins

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 36 - Boat Ramps

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 37 - Emergency Watershed Protection and Rehabilitation

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 38 - Cleanup of Hazardous and Toxic Waste

1. **Permit-specific Regional Conditions:** None

Nationwide Permit 39 - Commercial, and Institutional Developments

1. **Permit-specific Regional Conditions:**
 - a. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
 - b. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
 - c. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
 - d. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 40 - Agricultural Lands

1. Project-specific Regional Conditions:

- a. The applicant must demonstrate that the building is necessary for the agricultural production of the land.
- b. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
- c. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
- d. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
- e. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 41 - Reshaping Existing Drainage Ditches

1. Permit-specific Regional Conditions:

- a. The permittee must provide documentation on serviceability of the ditch system and a history of recent maintenance activity.

Nationwide Permit 42 - Recreational Facilities

1. Permit-specific Regional Conditions:

- a. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
- b. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
- c. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
- d. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 43 - Stormwater Management Facilities

1. Permit-specific Regional Conditions:

- a. If the project involves a stream crossing, a bottomless arch culvert or bridge shall be used.
- b. Justification shall be provided if it is not practicable for stream crossings to be constructed utilizing a bottomless arch culvert or bridge.
- c. If a bottomless arch culvert or bridge is not practicable for the crossing in a stream, a culvert should be installed to match the grade of the existing streambed, with at least 20% of the vertical rise of the entire culvert embedded below the streambed.
- d. Culvert size should be calculated assuming it shall be embedded, and its width should not constrict the width of the streambed at bankfull elevations.

Nationwide Permit 44 - Mining Activities:

- 1. Permit-specific Regional Conditions: None**

Nationwide Permit A – Emergency Repair Activities

1. **Permit-specific Regional Conditions:** None

Nationwide Permit B – Discharges into Ditches and Canals

1. **Permit-specific Regional Conditions:** None

Nationwide Permit C – Pipeline Safety Program Designated Time Sensitive Inspections and Repairs

1. **Permit-specific Regional Conditions:** None

Nationwide Permit D – Commercial Shellfish Aquaculture Activities

1. **Permit-specific Regional Conditions:**
 - a. The applicant shall submit a location map and latitude and longitude or UTM coordinates to the National Ocean Service for charting purposes prior to initiation of the aquaculture activities.

Nationwide Permit E – Coal Remining Activities

1. **Permit-specific Regional Conditions:** None

Nationwide Permit F – Underground Coal Mining Activities

1. **Permit-specific Regional Conditions:** None

C. CRITICAL RESOURCE WATERS

In accordance with NWP General Condition #19, certain activities in Critical Resource Waters cannot be authorized under the NWP program or will have to meet additional conditions. Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting Critical Resource Waters, including wetlands adjacent to such waters. For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38 notification is required in accordance with general condition 27, for any activity proposed in the designated Critical Resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP's only after it is determined that the impacts to the Critical Resource Waters will be no more than minimal.

1. **State Waters with Environmental Significance:** The New York District has designated the East-of-Hudson portion of the New York City water supply watershed as Critical Resource Waters. This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on the attached map.
2. **National Estuarine Research Reserves (NERR):** The Hudson River NERR is located within the New York District. The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.
3. **National Wild and Scenic Rivers (NWSR):** The Upper Delaware River has been designated as a NWSR from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. Approximately 25.1 miles have been classified as scenic and approximately 50.3 miles have been classified as recreational.

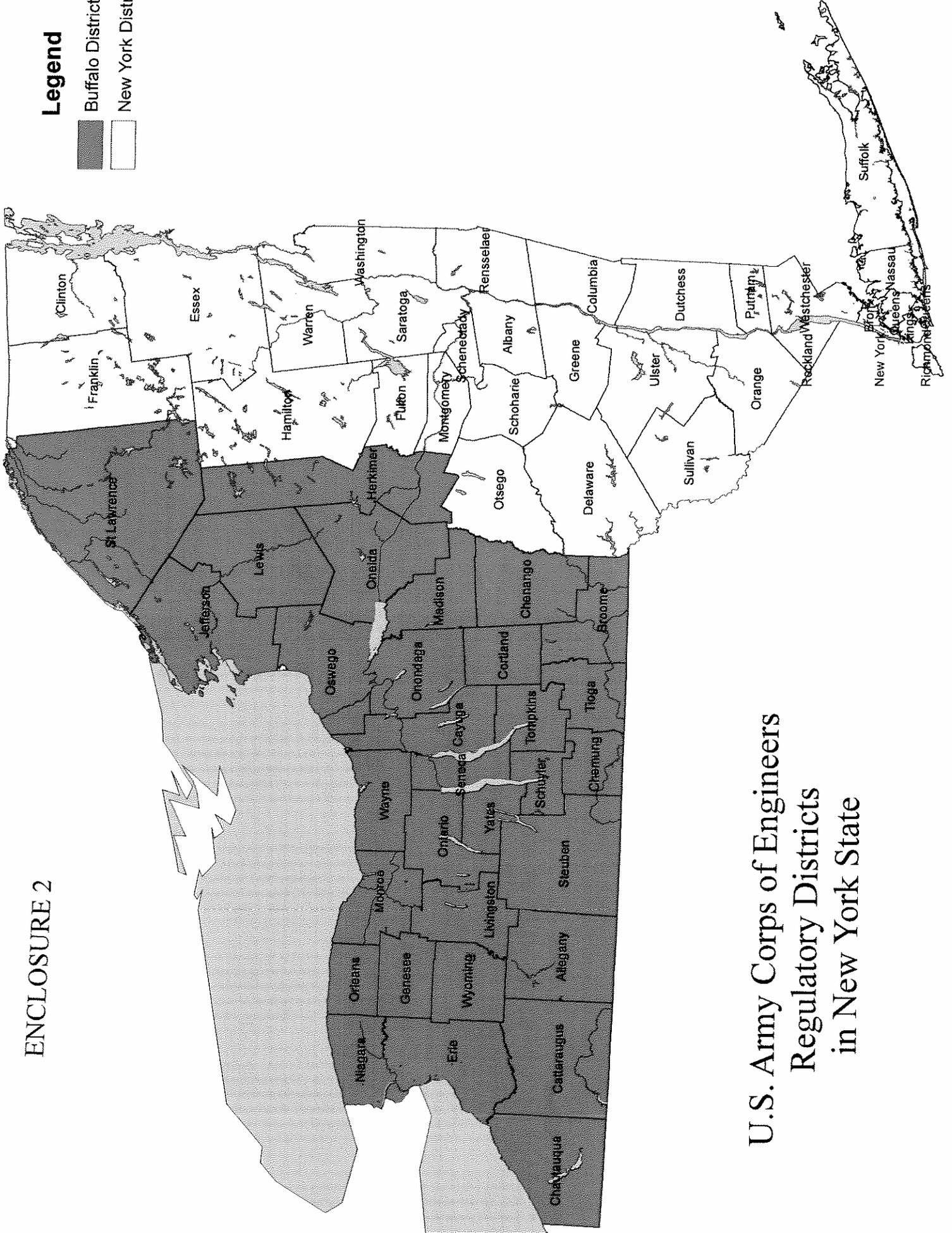
ENCLOSURE 2

Legend



Buffalo District

New York District



**U.S. Army Corps of Engineers
Regulatory Districts
in New York State**