



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

ANCHORAGE  
Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

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Expires: August 2, 2025

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## Alaska District

### Nationwide Permits Reissuance Request for Comments

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS  
Deadline July 18, 2025

ALASKA DISTRICT REGIONAL CONDITIONS REQUEST FOR COMMENTS  
Deadline August 2, 2025

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWP) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

#### National Issues 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 national issues relating to

these NWP's should be submitted to docket number COE-2025-0002 at [www.regulations.gov](http://www.regulations.gov), or by email to [2026nationwidepermits@usace.army.mil](mailto:2026nationwidepermits@usace.army.mil) or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025 Federal Register notice. Comments on the proposed NWP's are due by **July 18, 2025**.

Regional Issues Concerning the Proposed NWP's, 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 an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWP's are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWP's in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWP's may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Pacific Ocean Division, Alaska District Area of Responsibility for the State of Alaska.

The Alaska District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that the adverse environmental effects of activities authorized by the proposed NWP's are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in the Alaska District. Comments on regional issues relating to the proposed NWP's and proposed regional conditions should be sent to: U.S. Army Corps of Engineers, Alaska District Regulatory Office, ATTN: Frederick Land, Regulatory Division CEPOA-RD, P.O. Box 6898, 2204 3rd St., JBER, AK 99506-0898 or via email at [regpagemaster@usace.army.mil](mailto:regpagemaster@usace.army.mil). Comments relating to regional conditions are due by **August 2, 2025**. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWP's are issued, the final regional conditions will be issued after they are approved by the Division Commander.

401 Water Quality Certification and Coastal Zone Management Act:

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWP's. Where applicable States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP's.

Draft Decision Documents:

Draft decision documents for each of the proposed NWP's, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP's with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP's, are

available for viewing at **[www.regulations.gov](http://www.regulations.gov)**, docket number COE-2025-0002. Final decision documents will be prepared for the NWP's that are issued.

Enclosed is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through the Corps Home Page at **<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>**, at **[www.regulations.gov](http://www.regulations.gov)** in docket number COE-2025-0002, or at the following Federal Register address:  
**<https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>**.

### ***Index of Proposed Nationwide Permits, General Conditions, and Definitions***

#### ***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. Oil or Natural Gas Pipeline 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. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Ecosystem 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
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Mariculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects
53. Removal of Low-Head Dams
54. Living Shorelines
55. Seaweed Mariculture Activities
56. [Reserved]
57. Electric Utility Line and Telecommunications Activities
58. Utility Line Activities for Water and Other Substances
59. Water Reclamation and Reuse Facilities
- A. Activities to Improve Passage of Fish and Other Aquatic Organisms

***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. Single and Complete Project

16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Birds and Bald and Golden Eagles
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Activities Affecting Structures or Works Built by the United States
32. Pre-Construction Notification

### ***District Engineer's Decision***

### ***Further Information***

### ***Nationwide Permit Definitions***

Best management practices (BMPs)  
Compensatory mitigation  
Currently serviceable  
Direct effects  
Discharge  
Ecological reference  
Enhancement  
Establishment (creation)  
High Tide Line  
Historic property  
Independent utility  
Indirect effects  
Loss of waters of the United States  
Nature-based solutions  
Navigable waters  
Non-tidal wetland  
Open water  
Ordinary high water mark  
Perennial stream  
Practicable  
Pre-construction notification  
Preservation  
Re-establishment

Rehabilitation  
Restoration  
Riffle and pool complex  
Riparian areas  
Shellfish seeding  
Single and complete linear project  
Single and complete non-linear project  
Stormwater management  
Stormwater management facilities  
Stream bed  
Stream channelization  
Structure  
Tidal wetland  
Tribal lands  
Tribal rights  
Vegetated shallows  
Waterbody

## **ENCLOSURE 1**

### **ALASKA DISTRICT PROPOSED REGIONAL CONDITIONS for the PROPOSED 2026 NATIONWIDE PERMITS (NWP)**

The Alaska District Regulatory Office has issued the following proposed Regional Conditions to ensure that activities authorized by NWPs in the Alaska District cause no more than minimal adverse environmental effects, individually and cumulatively. Before the Alaska District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

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**APPLICABILITY:** The following would apply throughout the state of Alaska.

#### **RESTRICTIONS:**

##### **REGIONAL CONDITION A – Revoked Permits**

The following NWPs are revoked within Alaska:

- 24. Indian Tribe or State Administered Section 404 Programs
- 34. Cranberry Production Activities

##### **REGIONAL CONDITION B – Additional Pre-Construction Notification (PCN)**

###### **Requirements**

1. NWP 13, Bank Stabilization: In addition to the PCN requirements specified by NWP 13, a PCN is required for proposed bank stabilization projects in fresh water when the proposed methods and techniques are not in accordance with the Streambank Revegetation and Protection: A Guide for Alaska Revised 2005 (Walter, Hughes and Moore, April 2005) (Guide) or its future revisions. The Guide is available at <http://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>.
2. Proposed projects that qualify for NWPs 12, 13, 14, 18, 57, and 58 within the Municipality of Anchorage require a PCN.
3. NWP 48: A PCN is required for impacts to greater than 1/2 acre of special aquatic sites (wetlands, mudflats, vegetated shallows, coral reefs, etc.).
4. NWP 12, 57, and 58: A PCN is required for projects located within permafrost soils identified using the appropriate soil survey (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) or other appropriate data (e.g., other geospatial information and/or field gathered data).

##### **REGIONAL CONDITION C – Activities Involving Trenching**

Trenches may not be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). Ditch plugs or other methods shall be used to prevent this situation.

Except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess materials shall be removed to a non-waters of the U.S. location. The backfilled trench shall achieve the pre-construction elevation, within a year of disturbance unless climatic conditions warrant additional time. The additional time must be approved by USACE.

Excavated material temporarily sidecast into wetlands shall be underlain with geotextile, ice pads, or similar material, to allow for removal of the temporary material to the maximum extent practicable.

#### **REGIONAL CONDITION D – Site Revegetation for Projects with Ground Disturbing Activities**

Re-vegetation of all disturbed areas within the project site shall begin as soon as site conditions allow and in the same growing season as the disturbance, unless climatic conditions warrant additional time (e.g., too wet or too cold). Topsoil (the outermost layer of soil, usually the top 2 – 8 inches) removed from the construction area shall be separated and used for site rehabilitation. When backfilling, topsoil shall be placed as the top layer to provide a seed bed for regrowth. If topsoil is not available from the project site, local native soil material obtained from an approved site may be used. Species used for seeding and planting shall be certified seed sources free of invasive species and follow this order of preference: 1) species native to the site; 2) species native to the region; 3) species native to the state.

#### **REGIONAL CONDITION E – Delineation of Project Footprint**

Prior to commencement of construction activities within waters of the U.S., the permittee shall clearly identify the permitted limits of disturbance at the project site with highly visible markers (e.g. construction fencing, flagging, silt barriers, coir logs, etc.). The permittee shall properly maintain such identification until construction is complete and the soils have been stabilized. The permittee is prohibited from conducting any unauthorized USACE-regulated activity outside of the permitted limits of disturbance (as shown on the permit drawings).

#### **REGIONAL CONDITION F – Maintenance of Hydrology Patterns**

Natural drainage patterns shall be maintained using appropriate methods. Excessive ponding or drying adjacent to fill areas shall indicate non-compliance with this condition.

**REGIONAL CONDITION G – Clean Fill Material:** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts. Only clean rip rap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used.

#### **REGIONAL CONDITIONS H, I, J, K, and L APPLY TO SPECIFIC NWPs**

#### **REGIONAL CONDITION H – NWP 40 Agricultural Activities**

The following activities are not authorized by NWP 40: a. Installation, placement, or construction of drain tiles, ditches, or levees; and b. Mechanized land clearing or land leveling in wetlands within 300 feet of an anadromous water (anadromous water is defined by the state of AK see <https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive>).



## **REGIONAL CONDITION I – NWP 44 Mining Activities**

Placer mining activities are excluded from coverage by NWP 44 (Mining Activities). Placer mining may be authorized by Regional General Permit POA-2014-00055-M2 (RGP 8). In Alaska, NWP 44 may only authorize the following activities:

1. Hard rock mining within waters jurisdictional under only Section 404 of the Clean Water Act, not including trenching, drilling, or access road construction.
2. Temporary stockpiling of sand and gravel in waters of the U.S., limited to seasonally dewatered unvegetated sand/gravel bars. Stockpiles shall be completely removed and the area restored to pre-project contours within one year, in advance of seasonal ordinary high water events, or prior to equipment being removed from site, whichever occurs first.

## **REGIONAL CONDITION J – NWP 48 and 55:**

When an Aquatic Farm Lease is required from the Alaska Department of Natural Resources (ADNR) for a new or modified aquatic farm, the applicant must obtain and submit a copy of the ADNR preliminary decision with a Preconstruction Notification to the USACE.

## **REGIONAL CONDITION K – NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52:**

The proposed NWP activity must not cause the loss of anadromous streambed.

**REGIONAL CONDITION L – NWP 6:** Trenching or similar temporary exploration activities are limited to 0.02-acre impact per each exploration point. WOTUS impacts exceeding this threshold may indicate the activity is no longer exploratory in nature and could be considered mining and this would require a PCN to the Alaska District for review of a Regional General Permit (RGP) 8 or Standard permit.