



US Army Corps
of Engineers
Alaska District
Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Special Public Notice

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SPECIAL PUBLIC NOTICE

ANNOUNCING THE ALASKA DISTRICT'S REGIONAL CONDITIONS TO THE NEW NATIONWIDE PERMITS

On January 8, 2026, the United States (U.S.) Army Corps of Engineers (USACE) published a final action in the *Federal Register* (91 FR 768) announcing the reissuance of 56 existing nationwide permits (NWP) and one new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 57 NWP will go into effect on March 15, 2026, and will expire on March 15, 2031.

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, Enhancement, and Establishment, 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 and Irrigation 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
60. Activities to Improve Passage of Fish and Other Aquatic Organisms

Subsequent to the January 8, 2026, *Federal Register* notice, the Alaska District finalized the regional conditions for the new and reissued NWP's. The regional conditions provide additional protection for the aquatic environment and will help ensure that the NWP's authorize only those

activities with no more than minimal adverse environmental effects in Alaska. Regional conditions will help ensure protection of high value waters within Alaska. The Alaska District prepared supplemental decision documents for USACE's final decision documents for the new and reissued NWPs. These supplemental decision documents address regional conditioning of the NWPs. This special public notice announces the approval of 12 regional conditions by the Pacific Ocean Division Commander.

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 2025 (September 2025) (Guide) or its future revisions. The Guide is available at

<http://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>.

2. A PCN is required for any project located within the Municipality of Anchorage that qualifies for NWPs 12, 13, 14, 18, 57, and/or 58.

3. NWP 48: A PCN is required for impacts to greater than 1/2acre 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 Alaska 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. Waters of the United States 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.

FOR ADDITIONAL INFORMATION: Additionally, the Alaska District received water quality certifications (WQC) issued by the Alaska Department of Environmental Conservation (ADEC) and the Environmental Protection Agency (EPA) for the issuance of these NWPs. Conditions on the water quality certifications become conditions of these NWPs.

The January 8, 2025, Federal Register notice is available for viewing at:

<https://www.federalregister.gov/documents/2026/01/08/202600121/reissuance-and-modification-of-nationwide-permits/>

Interested parties can access the January 8, 2026, final action and related documents at:

<https://www.usace.army.mil/Missions/Civil-Works/RegulatoryProgram-and-Permits/Nationwide-Permits/>

As an alternative, the final NWPs, regional conditions, and the complete WQC decisions for Alaska issued by ADEC and EPA may be found at:

<https://www.poa.usace.army.mil/Missions/Regulatory/Types-of-Permits/Nationwide-Permits/>