**Jacksonville District 2026 Nationwide Permit Information Sheet**

**March 13, 2026**

The U.S. Army Corps of Engineers (Corps) issues nationwide permits (NWPs) to authorize activities under Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), where those activities will result in no more than minimal individual and cumulative adverse environmental effects. The NWP program is designed to provide timely authorizations for the regulated public while protecting the Nation's aquatic resources. For an activity to be authorized under a NWP, the activity must meet the terms and conditions of the specific NWP, as well as the applicable NWP general conditions and applicable regional conditions. This document provides additional information to assist prospective permittees in fulfilling their obligations under some of the NWP general conditions and Jacksonville District regional conditions.

This document is intended to be used as an additional reference for prospective permittees seeking NWP verifications in Jacksonville District. Nothing in this document supersedes the information published in the Federal Register for the 2026 NWPs (91 FR 768) or the Jacksonville District regional conditions. This document will be updated as needed.

Here is a link to the USACE Headquarters Nationwide Permit page, where you can find the 2026 NWPs, general conditions and definitions, Federal Register notices, summary charts, fact sheets and final decision documents for the 2026 NWPs: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/.

**Additional Information for Complying with the 2026 NWPs and Jacksonville District Regional Conditions:**

**1. Designated Critical Resource Waters:**

a. Synopsis of NWP general condition 22 (Designated Critical Resource Waters): Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may identify additional critical resource waters after notice and opportunity for public comment. Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, a preconstruction notification (PCN) is required for any activity proposed by permittees in the designated critical resource waters, including wetlands adjacent to those waters.

b. In accordance with general condition 22, designated critical resource waters in Florida are:

   i. Wetlands and other surface waters in National Estuarine Research Reserves (https://coast.noaa.gov/nerrs/), NOAA-managed National Marine Sanctuaries (https://sanctuaries.noaa.gov/about/maps.html), Biscayne National Park and Everglades National Park (https://www.nps.gov/state/fl/index.htm);

   ii. Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area (https://www.floridastateparks.org/Cross-Florida);

   iii. Wetlands and other surface waters in active designated State of Florida Areas of Critical State Concern, listed at Fla. Stat. §§ 380.05;

| Florida Statute or Rule reference | Area of Critical State Concern |
|---|---|
| Section 380.055, FS | Big Cypress Swamp in Collier, Monroe and Miami-Dade Counties |
| Section 380.0551, FS | Green Swamp in Polk and Lake Counties |
| Section 380.0552, FS | Florida Keys in Monroe County |
| Section 380.0553, FS | Brevard Barrier Island Area in Brevard County |
| Section 380.0555, FS | Apalachicola Bay Area in Franklin County |
| Rule 28-36, FAC | The City of Key West in Monroe County |

   A mapping tool and maps of all of the Areas of Critical State Concern are available at https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/. More information can be found in the Florida Coastal Management Program Guide, located at https://floridadep.gov/rcp/fcmp/documents/fcmp-program-guide.

   iv. Other designated critical resource waters that do not currently exist in Florida: state natural heritage sites and NOAA-managed marine monuments.

c. Prospective permittees seeking NWP verifications for activities within the boundaries of the Florida Keys National Marine Sanctuary should contact the Sanctuary at fknms.authorizations@noaa.gov to find out if the proposed activity requires a Sanctuary permit or authorization. The Nearshore Construction Authorizations webpage (https://floridakeys.noaa.gov/permits/nearshore-construction.html) contains

basic information on the requirements and process. It is the permittee's responsibility to obtain all necessary authorizations required by law.

**2. Listed Species:**

General condition 18 (Endangered Species) requires a PCN to be submitted if any threatened or endangered species or a species proposed for such designation under the federal Endangered Species Act (ESA) ("listed species"), or designated critical habitat or critical habitat proposed for such designation might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat.

a. Species under the jurisdiction of the National Marine Fisheries Service (NMFS):

   There are numerous listed species throughout the estuarine and marine waters in Florida. Therefore, there is a high potential that one or more of these species or designated critical habitat will be in the vicinity of or affected by the activity. Web pages for each of the species describing their range, how they can be affected, and other information can be accessed at https://www.fisheries.noaa.gov/southeast/consultations/southeast-threatened-and-endangered-species-and-critical-habitats. Note that users will need to select either "Florida - Atlantic Coast" or "Florida - Gulf Coast" depending on the project location. That information can be used, along with project and site-specific information, to determine whether a PCN is required by general condition 18.

b. Species under the jurisdiction of the U.S. Fish and Wildlife Service (FWS):

   The FWS Information for Planning and Consultation (IPaC) web page (https://ecos.fws.gov/ipac/) should be used to identify the potential for the presence of and effect on listed species under the jurisdiction of the FWS. Other tools for effect determinations on federally listed species and designated critical habitat are available on ECOS at ecos.fws.gov. The information from these various sources can be used, along with project and site-specific information, to determine whether a PCN is required by general condition 18.

**3. Historic Properties:**

General condition 20 (Historic Properties) requires a PCN to be submitted if the activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NRHP), including previously unidentified properties. To determine whether PCN is required under general condition 20 and regional condition C.1, prospective permittees may contact the Florida Master Site File (FMSF) to conduct a historic and cultural resources search:

FMSF: Prospective permittees should provide the FMSF the project area and Section/Township/Range via email to sitefile@dos.myflorida.com, or contact the FMSF office at (850) 245-6440.

Submittal of a PCN is not required by general condition 20 or regional condition C.1 when the FMSF report for the proposed project area shows “None” or shows that any historic properties are "Not Eligible" or not listed or proposed for listing on the NRHP.

A PCN is required if the prospective permittee has knowledge of a historic property that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the NRHP, including previously unidentified properties.

**4. Discovery of Previously Unknown Remains and Artifacts:**

General condition 21 (Discovery of Previously Unknown Remains and Artifacts) requires the permittee to immediately notify the Corps of any discoveries of previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by a NWP activity. To fulfill this requirement under general condition 21 and regional condition C.2, in the event of any such discoveries, permittees must contact the Jacksonville District at saj-rd-enforcement@usace.army.mil. In the event unmarked human remains are encountered, permittees must also notify the Florida State Archaeologist at (850) 245-6444 or email at UnmarkedBurials@dos.fl.gov.

**5. Wind Energy Guidelines:**

For activities authorized by NWPs 51 and 52, prospective permittees are encouraged to design their activities in accordance with the information in the USFWS *Land-Based Wind Energy Guidelines* (at https://www.fws.gov/media/land-based-wind-energy-guidelines) to assist in complying with general conditions 18 (Endangered Species) and 19 (Migratory Birds and Bald and Golden Eagles).

**6. Tribal Rights and Authorities:**

In accordance with general condition 17 (Tribal Rights), any activity authorized by any NWP cannot impact tribal rights. Furthermore, there may be requirements that are applicable to activities that are proposed to occur on Tribal lands. Permittees should consider the following information to facilitate their compliance with this general condition and applicable requirements.

a. General condition 17 states, “No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.” The term “tribal rights” is defined in the NWPs as “[t]hose rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.”

b. 33 CFR 330.4(b)(2) states, “NWPs do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.” This principle applies to any other permits, approvals or authorizations required by law from the Miccosukee Tribe of Indians and Seminole Tribe of Florida.

c. Projects occurring on Seminole Tribe of Florida lands likely require additional tribal permitting, therefore coordination with the Seminole Tribe is highly recommended prior to construction of such projects.

d. Coordination with the Seminole Tribe is highly recommended ahead of construction of projects affecting the following waters in the vicinity of Seminole Tribe lands:

    i. In vicinity of Brighton Reservation: Lake Istokpoga; Istokpoga Creek; Istokpoga Canal; Kissimmee River (C-38) from Istokpoga Creek to Lake Okeechobee.

    ii. In vicinity of Big Cypress Reservation: Miami Canal from G373 south to S8.

    iii. In vicinity of Hollywood Reservation: North New River Canal from West Hollywood Canal (C-42) east to South New River Canal (C-11); Dania Cutoff canal from South New River Canal (C-11) east to I-95.

    iv. In vicinity of Fort Pierce Reservation: Ten Mile Creek from Okeechobee Road east to the I-95. In vicinity of Tampa Reservation: Palm River.

**7. Activities Affecting Structures or Works Built by the United States:**

In accordance with general condition 31 (Activities Affecting Structures or Works Built by the United States), a PCN is required when the proposed activity also requires review by, or permission from, the Corps pursuant to 33 USC 408 because it will alter or temporarily or permanently occupy or use a Corps federally authorized Civil Works project (USACE project). This includes new activities as well as requests for maintenance, repair or replacement of existing activities.

a. Additional information on 33 USC 408 requirements and procedures is at https://www.usace.army.mil/Missions/Civil-Works/Section408/. Descriptions of activities that may require Corps review or permission under 33 USC 408 are found in paragraph 9 of *Engineer Circular (EC) 1165-2-220*, which is available at the link provided above. Some examples include activities (1) that are within the right-of-way for a federal navigation project; (2) that are within the setback for a federal navigation project; and (3) that cross (above

or below) a USACE project levee, dike, dam or other water-retaining structure.

b. Any activity within Federal project lands, including within rights-of-way, may require the prospective permittee to enter into a Consent to Easement or other real estate instrument with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

**8. State Online Resources for Aquatic Resource and Wildlife Protection:**

The following information is provided by the Florida Fish and Wildlife Conservation Commission to assist with project planning:

a. Species Conservation Measures and Permitting Guidelines:

- Provides applicants with clear species-specific guidance on how to avoid, minimize, or mitigate impacts to protected wildlife and, when necessary, how to obtain appropriate permits for activities involving listed species.

- Located at: https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/

b. Imperiled Beach-nesting Birds (IBNB) ShoreMapper Tool:

a. Assists applicants with identification of activities that may impact imperiled beach-nesting birds.

b. Located at: https://gis.myfwc.com/ShoreMapper/

c. FWC Sea Turtle Lighting Guidelines:

- Provides guidance to applicants to minimize lighting impacts to sea turtle nesting.

- Located at: https://myfwc.com/media/18511/seaturtle-lightingguidelines.pdf

d. Florida Manatee Program Permit Review:

- Resources for planning for projects that may impact the Florida manatee.

- Located at: https://myfwc.com/wildlifehabitats/wildlife/manatee/permit-review/

e. Seagrass Habitat in Florida:

- GIS data set mapping seagrass resources in the State of Florida from 1987 to 2023
- Located at: https://geodata.myfwc.com/datasets/myfwc::seagrass-habitat-in-florida/about

f. FWC Coral and Octocoral Mitigation Relocation Recommendations:

- Located at: https://myfwc.com/license/saltwater/special-activity-licenses/

**9. Navigation:**

General condition 1 (Navigation) requires that no activity may cause more than a minimal adverse effect on navigation. Regional condition D.1.b imposes a criterion for compliance with general condition 1 for activities verified under NWP 2 (Structures in Artificial Canals), such that no structure may extend into the canal more than 25% of the width of the canal. Note that the Jacksonville District assesses each activity individually to ensure that effects to navigation are no more than minimal, which may result in a structure being limited to extending less than 25% of the width of the canal.

**10. Benthic Surveys:**

Part (b)(5) of general condition 32 (Pre-Construction Notification) requires that PCNs include a delineation of waters, wetlands and other special aquatic sites on the project site. Special aquatic sites are defined as wetlands, mud flats, vegetated shallows, coral reefs and riffle and pool complexes. Please note that for most in-water activities, the delineation of any submerged aquatic vegetation or other benthic communities such as corals is needed in accordance with this requirement. This information may also be relevant to other areas of the PCN review, such as determining effects to federally listed species and/or essential fish habitat.

**11. Coordination with National Marine Fisheries Service—Habitat Conservation Division (NMFS-HCD):**

The Jacksonville District completed programmatic consultation with the NMFS-HCD for the 2026 NWPs in Florida. As a result of the consultation, for most of the 2026 NWPs, if the activity meets the terms and conditions of the pertinent NWP, the activity is covered programmatically for effects to Essential Fish Habitat (EFH) and no individual consultation for EFH is necessary. In addition, those NWPs covered by the programmatic consultation do not need additional agency coordination with NMFS-HCD as required by general condition 32(d)(2).

However, for the following NWP activities, programmatic EFH coverage was not received, and individual EFH consultation is required. In addition, the Corps must

conduct agency coordination for any NWP 13 or NWP 54 activities below that also require coordination per general condition 32(d)(2).

a) NWP 13 activities, if impacts exceed these thresholds:

- 0.01 acre loss of oyster reefs, seagrass or coral/hardbottom.
- 0.1 acre loss of vegetated salt marsh or red mangroves.

b) NWP 27 activities in tidal waters.

c) NWP 54 activities in tidal waters.

**12. Water Quality Certification (WQC) and Coastal Zone Management Act (CZMA) Consistency Decisions**

The table below lists all WQC decisions received from the Florida Department of Environmental Protection (FDEP), Seminole Tribe of Florida (STOF), Miccosukee Tribe of Indians (MTI) and Environmental Protection Agency (EPA), and all CZMA decisions received from the FDEP for the 2026 NWPs. The STOF and MTI each provided WQC decisions for their Tribal lands for which they have Treatment as a State (TAS) under Section 401 of the Clean Water Act. The EPA provided WQC decisions for non-TAS Seminole Tribe lands for which EPA is the certifying authority.

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 1. Aids to Navigation | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 2. Structures in Artificial Canals | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 3. Maintenance | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 5. Scientific Measurement Devices | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 6. Survey Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 7. Outfall Structures and Associated Intake Structures | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 8. Oil and Gas Structures on the Outer Continental Shelf | Denied (individual WQC required) | Objection received (individual concurrence required) | WQC granted without conditions | WQC granted without conditions | NA |
| 9. Structures in Fleeting and Anchorage Areas | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 10. Mooring Buoys | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 11. Temporary Recreational Structures | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 12. Oil or Natural Gas Pipeline Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC denied (individual WQC required) | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 13. Bank Stabilization | WQC granted with FDEP Condition 2 | Concurrence received with Condition 2 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 14. Linear Transportation Projects | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 15. U.S. Coast Guard Approved Bridges | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 16. Return Water from Upland Contained Disposal Areas | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 17. Hydropower Projects | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 18. Minor Discharges | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 19. Minor Dredging | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 20. Response Operations for Oil or Hazardous Substances | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 21. Surface Coal Mining Activities | WQC Waived | Concurrence received with Condition 1 | WQC denied (individual WQC required) | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 22. Removal of Vessels | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 23. Approved Categorical Exclusions | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 24. Indian Tribe or State Administered Section 404 Programs* | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 25. Structural Discharges | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 28. Modifications of Existing Marinas | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 29. Residential Developments | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 30. Moist Soil Management for Wildlife | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 31. Maintenance of Existing Flood Control Facilities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 32. Completed Enforcement Actions | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 33. Temporary Construction, Access, and Dewatering | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 34. Cranberry Production Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 35. Maintenance Dredging of Existing Basins | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 36. Boat Ramps | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 37. Emergency Watershed Protection and Rehabilitation | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 38. Cleanup of Hazardous and Toxic Waste | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 39. Commercial and Institutional Developments | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 40. Agricultural Activities | WQC granted with FDEP Conditions | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 41. Reshaping Existing Drainage Ditches | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted without conditions |
| 42. Recreational Facilities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 43. Stormwater Management Facilities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 44. Mining Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 45. Repair of Uplands Damaged by Discrete Events | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 46. Discharges in Ditches | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 48. Commercial Shellfish Aquaculture Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 49. Coal Remining Activities | WQC Waived | Concurrence received with Condition 1 | WQC denied (individual WQC required) | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 50. Underground Coal Mining Activities | WQC Waived | Concurrence received with Condition 1 | WQC denied (individual WQC required) | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 51. Land-Based Renewable Energy Generation Facilities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 52. Water-Based Renewable Energy Generation Pilot Projects | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |

| NWP Number | FDEP | | STOF | MTI | EPA |
|---|---|---|---|---|---|
| | WQC | CZMA | WQC | WQC | WQC |
| 53. Removal of Low-Head Dams | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 54. Living Shorelines | WQC granted with FDEP Condition 3 | Concurrence received with Condition 3 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 55. Seaweed Mariculture Activities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | NA |
| 57. Electric Utility Line and Telecommunications Activities | WQC granted with FDEP Condition 4 | Concurrence received with Condition 4 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 58. Utility Line Activities for Water and Other Substances | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 59. Water Reclamation and Reuse Facilities | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |
| 60. Activities to Improve Passage of Fish and Other Aquatic Organisms | WQC granted with FDEP Condition 1 | Concurrence received with Condition 1 | WQC granted without conditions | WQC granted without conditions | WQC granted with EPA Condition 1 |

For NWPs for which the certifying authority denied WQC, prospective permittees must obtain individual WQC or waiver prior to verification under that particular NWP.

For NWPs for which the FDEP objected to the Jacksonville District's coastal zone consistency determination, prospective permittees must obtain individual concurrence or a presumption of concurrence prior to verification under that particular NWP.

## WQC Conditions

FDEP Conditions:

1. For NWPs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 51, 52, 53, 55, 58, 59, 60:

Prior to construction, activities qualifying for a nationwide permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

2. For NWP 13:

    1) Prior to construction, activities qualifying for a nationwide permit 13 (NWP13) must be authorized by the applicable permit or exemption under part IV of chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under chapter 253, F.S., and as applicable, chapter 258, F.S.;

    2) The following activities are not covered under this certification:
        i. Placement of rock clusters.
        ii. Construction of a small pocket beach.
        iii. Construction of a rock pool.
        iv. Any structures and fill areas, including sand fills, sills, breakwaters, or reefs, that extend into the waterbody more than 10 feet from the mean high water line in tidal waters or the ordinary high water mark in non-tidal waters.

3. For NWP 54:

    1) Prior to construction, activities qualifying for a nationwide permit 54 (NWP54) must be authorized by the applicable permit or exemption under part IV of chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under chapter 253, F.S., and as applicable, chapter 258, F.S.;

    2) The following activities are not covered under this certification:
        i. The use of cobble and gravel fill materials.
        ii. Construction of an unvegetated pocket beach;
        iii. Any structures and fill areas, including sand fills, sills, breakwaters, or reefs, that extend into the waterbody more than 30 feet from the mean high water line in tidal waters or the ordinary high water mark in non-tidal waters.

4. For NWP 57:

    Prior to construction, activities qualifying for a nationwide permit 57 (NWP57) must be authorized by a written final order granting certification pursuant to the Florida Electric Transmission Line Siting Act (for electric utility line activities), or authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S. (for telecommunication line activities), and by any authorization required to

use or occupy sovereignty submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

EPA Conditions:

1. See attached.

**CZMA Conditions**

1. For NWPs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 55, 58, 59, 60, the FDEP provided concurrence and included the following condition:

> Prior to construction, activities qualifying for a nationwide permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

2. For NWP 13:

    1) Prior to construction, activities qualifying for a nationwide permit 13 (NWP 13) must be authorized by the applicable permit or exemption under part IV of chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under chapter 253, F.S., and as applicable, chapter 258, F.S;

    2) The following activities are not covered under this concurrence:
        i. Placement of rock clusters.
        ii. Construction of a small pocket beach.
        iii. Construction of a rock pool.
        iv. Any structures and fill areas, including sand fills, sills, breakwaters, or reefs, that extend into the waterbody more than 10 feet from the mean high water line in tidal waters or the ordinary high water mark in non-tidal waters.

3. For NWP 54:

    1) Prior to construction, activities qualifying for a nationwide permit 54 (NWP 54) must be authorized by the applicable permit or exemption under part IV of chapter 373, F.S., and by any authorization required to use or occupy sovereignty submerged lands (SSL) under chapter 253, F.S., and as applicable, chapter 258, F.S;

    2) The following activities are not covered under this concurrence:
        i. The use of cobble and gravel fill materials.

ii. Construction of an unvegetated pocket beach;
iii. Any structures and fill areas, including sand fills, sills, breakwaters, or reefs, that extend into the waterbody more than 30 feet from the mean high water line in tidal waters or the ordinary high water mark in non-tidal waters.

4. For NWP 57:

Prior to construction, activities qualifying for a nationwide permit 57 (NWP 57) must be authorized by a written final order granting certification pursuant to the Florida Electric Transmission Line Siting Act (for electric utility line activities), or authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S. (for telecommunication line activities), and by any authorization required to use or occupy sovereignty submerged lands (SSL) under Chapter 253, F.S., and as applicable, Chapter 258, F.S.

# U.S. Environmental Protection Agency Region 4's Clean Water Act Section 401 Certification of the 2026 Nationwide Permits

December 18, 2025

CWA Section 401 requires applicants for federal licenses or permits for any activity which may result in any discharge into waters of the United States to obtain a certification or waiver from the certifying authority where the discharge originates or will originate. Where no state or Tribe has authority to give such certification, the U.S. Environmental Protection Agency is the certifying authority. 33 U.S.C. 1341(a)(1). In this case, Seminole Tribe of Florida (STF) has designation for Treatment in a Manner Similar to a State (TAS) under the CWA for Big Cypress and Brighton Reservations, but does not have the authority to provide CWA Section 401 certification for projects on all Tribal land in Florida; therefore, the EPA is making the CWA Section 401 certification decision for the 2026 Nationwide Permits (NWP) reissuance in Indian Country where STF does not have TAS.

**Project Description**

On June 18, 2025, the Corps of Engineers (Corps) proposed to issue 1 new NWP and reissue 56 NWPs set to expire in March 2026. See Federal Register Notice 90 FR 26100 (June 18, 2025). The purpose of the NWPs is to authorize categories of activities under CWA Section 404 and Section 10 of the Rivers and Harbors Act of 1899 that the Corps has determined will have no more than minimal individual and cumulative adverse environmental impacts. For more details see: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/

**The EPA's Public Notice Process**

On June 18, 2025, the EPA received a request for CWA Section 401 certification for the 57 NWPs from the U.S. Army Corps of Engineers Jacksonville District. On July 3, 2025, the EPA issued a public notice regarding the proposed NWPs and invited public comments through August 2, 2025. The EPA received no public comments during the public notice period.

**General Information**

The general information provided in this section does not constitute a certification condition(s).

*General Applicability*

- The Corps did not request certification for NWPs 1, 2, 8, 9, 10, 11, 24, 28, 35, and 55, and as such, the certification process did not begin and EPA neither certified nor waived certification. Consequently, if any activity authorized by one of these NWPs may result in a discharge into a water of the United States, on lands where EPA acts as the certifying authority, the Corps must seek CWA 401 certification from EPA.
- If a project proposal does not meet either the general or NWP-specific certification conditions, or if certification is denied for a specific NWP, the project proponent must request an individual certification from EPA Region 4.

*Documentation Recommendations*

- Project proponents for potential projects authorized under the NWPs should retain this certification in their files with the applicable NWPs as documentation of EPA's certification decisions for the above-referenced proposed NWPs. This certification is specifically associated with the proposed NWPs described above and expires when those NWPs expire, five years from Corps issuance date, or are otherwise superseded by subsequent reissuance if less than five years.
- Copies of this certification should be kept on the job site and made readily available for reference.

*Contact Information*

- The project proponents for potential projects authorized under an NWP are encouraged to contact EPA Region 4 during the project planning phase if there are any questions about relevant best management practices (e.g., bioengineering techniques, biodegradable erosion control measures, revegetation using native plant species, suitable fill materials, and disposal of debris/construction materials preventing runoff) and resources that can assist with compliance.
- Prior to work commencing, EPA recommends that project proponents notify the Seminole Tribe's Environmental Resources Department (ERD).
- In the case of an oil spill, EPA recommends that the project proponent notify EPA Region 4 within 8 hours of discovery. For emergency spills, EPA recommends that the project proponent contact the EPA's National Response Center at 1-800-424-8802 as well as the appropriate personnel identified in the project's Spill Prevention Control and Countermeasures, or similar plan, if applicable.
- If you have any questions regarding this certification, please contact Molly Martin at martin.molly@epa.gov.

## Certification Decisions

### *Grants of Certification without Conditions*

EPA is granting certification without conditions for NWPs 4, 5, 6, 15, 16, 19, 20, 23, 25, 27, 30, 32, and 41. For NWPs for which EPA grants certification without conditions, EPA has determined that the activity will comply with the applicable water quality requirements, including any limitation, standard, or other requirement under Sections 301, 302, 303, 306, and 307 of the CWA; any federal and state or Tribal laws or regulations implementing those sections; and any other water quality-related requirement of state or Tribal law.

### *Grants of Certification with Conditions*

EPA is granting certification with conditions for NWPs 3, 7,12, 13, 14, 17, 18, 21, 22, 29, 31, 33, 34, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, and A. For NWPs for which EPA grants certification with conditions, EPA has determined that the activity will comply with the applicable water quality requirements, including any limitation, standard, or other requirement under Sections 301, 302, 303, 306, and 307 of the CWA; any federal and state or Tribal laws or regulations implementing those sections; and any other water quality-related requirement of state or Tribal law, subject to the conditions listed below, pursuant to CWA Section 401(d).

**Condition 1:** Plan Development and Implementation for Projects that require Pre-Construction Notification (PCN)

Prior to construction for projects that require a PCN, the project proponent shall develop a plan that includes a copy of the PCN and the following information (if not already included in the PCN):

- Time stamped photo-documentation of the baseline conditions (i.e., 50 feet upstream of the project area, within the project area, and 100 feet downstream of the project area).
- Identification on a site map, as applicable:
    - Project site with all waters of the U.S. demarcated. Identify all locations where the project will cross jurisdictional waterbodies and identify the ordinary high-water mark and/or wetland boundaries; the planned work area where wetlands/aquatic resources will be removed, disturbed, and/or protected; buffer zones; and areas to be restored/reclaimed, as well as site access points and other approved work areas.
    - Staging areas and stockpiling of materials and equipment, including locations for containment booms and/or absorbent materials, and/or hazardous materials. Stockpiles (e.g., sediment, soil, or other construction materials) shall be stored at least 50 feet from where it may enter waters of the U.S.
    - Construction access points.
    - Disturbance limits.
    - Locations where site dredging and placement of dredged material activities will occur.
    - Locations where dewatering activities will occur including as applicable locations of cofferdams, temporary berms, piling, and/or dikes.
    - Locations of undergrounding or directional drilling (including bore pits)
    - Locations where hazardous materials are stored. Identify where containment booms and/or absorbent materials are located for corrective action if needed. Hazardous materials shall be stored in leak-proof containers with appropriate secondary containment measures (e.g., spill berms, dikes, spill containment pallets, absorbent materials).
    - Any silt/sediment fencing.
    - Photo-reference sites. The project proponent shall indicate the directional view and location where photos were taken on the site map.
- A description of how the site will be restored to pre-construction conditions, as applicable, including measures that will be used to promote and maintain:
    - Stream hydrology and stability.
    - Aquatic resource composition.
    - Diversity of native species existing on site and as introduced via restoration activities.
    - Stability of soils.
    - Establishment of vegetation at the same percent cover as pre-construction activities.
- The timeframe/schedule for revegetation following completion of construction. Revegetation should occur at the earliest practicable date following completion of construction. Drill seeding is the preferred method, where applicable.
- Non-native and invasive species shall not be used for restoration activities.
- Includes the following, as applicable:
    - Cofferdams, temporary berms, pilings, and/or dikes: Describe installation and maintenance practices for any cofferdams, temporary berms, pilings, and/or dikes.
    - Dredging: Describe how contaminated materials will be managed (e.g., sediment testing data and information to identify whether sediments are clean or contaminated), if included in the project dredged area. Describe methods for minimizing dredging impacts (i.e., sedimentation resuspension) in the water column.
    - Erosion and sediment control: Identify the types and locations of sediment and erosion control features that shall be used onsite, including sediment control fences, haybales, heavy mud mats, and/or other structures. Biodegradable blankets and/or loose-weave mesh shall be used for erosion control matting. If using velocity dissipation structures (e.g., riprap aprons, check

dams etc.), structures shall be constructed to include both peak flow rates and total stormwater volume, and provide protection from the erosive potential of high-velocity flows to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. The project proponent shall ensure all erosion and sediment control measures are in place prior to the onset of construction.

- Bank stabilization and channel modification. If the project requires bank stabilization or stream channel modification, include pre-construction cross sections. If the project includes steep bank slopes of 3:1 or greater, include revetment cross sections. Bioengineering techniques suitable for steep slope disturbances are preferred (e.g., vegetated toe, bioengineered boulder toe, etc.). Slopes of disturbed banks shall be designed and installed to not reduce the bottom width of the stream.
- Dewatering: Work shall be completed in the dry unless coordinated with EPA Region 4. Describe methods for dewatering, including the equipment that would be used to conduct the dewatering activities. Identify the locations and timing, including length of time the area is to be dewatered. Explain removal method of the temporary structures and/or fill and what measures will be taken to minimize downstream turbidity and adaptive management measures that will be taken and employed to prevent the draining of waters of U.S., including wetlands.
- Ditching and trenching: Explain ditching/trenching and material placement techniques and stabilization methods to be employed, as well as timing. In wetlands, the top 6 to 12 inches of the ditch/trench shall be backfilled with topsoil from the trench, unless other techniques are approved. Include activity timing needs for ditching and stabilization.
- Undergrounding or directional drilling: Describe measures taken to prevent, contain and cleanup any inadvertent return of drilling fluid to the surface (i.e., "frac-outs").

- Submit the plan to EPA Region 4 at martin.molly@epa.gov at least 30 days prior to commencing construction activities.

During construction for projects that require a PCN, the project proponent shall:

- Visually inspect construction activities daily.
- Prevent sediment, debris, silt, sand, cement, concrete, oil or petroleum, organic materials, or other construction debris or wastes from entering waters of the U.S. The discharge of unset cement, concrete, grout, or water that has contacted uncured concrete or cement, or related washout to waters of the U.S. is prohibited.
- Maintain documentation onsite that all equipment was cleaned of dirt, mud, and other materials prior to arriving on the project site.
- Inspect all equipment daily and prior to entering any waters of the U.S. for oil, gas, diesel, anti-freeze, hydraulic fluid, and other petroleum leaks. If the project proponent detects a leak from any equipment, they shall immediately remove the equipment from waters of the U.S.; and within 24 hours of detection of a leak, repair the equipment in a staging area or move it offsite.
- Limit vegetation clearing and disturbance to waters. Limit the clearing and grubbing of vegetation and disturbance to areas demarcated on the site map submitted as part of the vegetation restoration and monitoring plan. The boundaries of vegetation to protect shall be flagged in the field prior to beginning construction activities.
- Limit restoration of the channel bed to pre-existing contours and conditions. Any proposed deviations must be specified in advance. For example, if any improvements will be made using natural channel design.
- Photo-document any failures or increased turbidity due to construction activities.

    - Within 24 hours of observing a failure or marked increase in turbidity associated with construction, the project proponent shall remedy and implement any additional adaptive management measures to stabilize the activity and prevent further unauthorized discharges into waters of the U.S. The project proponent shall photo-document the failure (i.e., 50 feet upstream of failure, at the incident site, and at least 100 feet downstream of the failure) and the adaptive management measures taken immediately following implementation. The project proponent shall take remediation condition photos at the same location(s) and direction(s) as in the failure condition photos.
    - Within 48 hours of observing any failure, the project proponent shall provide EPA Region 4 with the required photo-documentation, and descriptions of all observed failures and implemented remedies.
    - Within three weeks of observing a failure, the project proponent shall provide EPA Region 4 with a description of the impacts and effectiveness of the employed adaptive management measures.
- Carry out as applicable:
    - Erosion control: Inspect sediment and erosion control measures daily during project implementation and within 12 hours of precipitation events. After construction is complete, remove sediment and erosion control structures once vegetation is established to the same percent cover as pre-construction conditions, unless they are needed for long term stabilization purposes.
    - Dewatering: Assess all dewatering measures within 24 hours after a severe storm event.

Post construction for projects that require a PCN, the project proponent shall, as applicable:

- Submit a post-construction report, as defined below, within 90 days of completing construction activity to EPA Region 4 at martin.molly@epa.gov or, if the Corps requires a post-construction report for the project activity, the applicant may submit that report to EPA to fulfill this post-construction requirement. The project proponent shall include the following items in the post-construction report:
    - Construction dates.
    - As-built drawings.
    - Documentation of site restoration activities using photographs and any field data sheets showing that the site was restored to pre-existing conditions or better. Include photographs of the site restoration areas on a map.
    - Any water quality data gathered before, during, and post-construction and associated maps showing the sample locations.
    - A description of any adaptive management strategies that were employed during construction, with a focus on strategy effectiveness.
    - Details on the removal of any sediment and erosion control structures, unless they are needed for long term stabilization purposes.
    - Effectiveness of the plan developed and implemented as required under this condition, and recommendations to remedy any deficiencies in plan development and implementation where employed measures were ineffective.
- For activities that require dredging, submit a copy of the as-builts and a post dredged and disposal report within 45 days of each dredging or disposal event to EPA Region 4 martin.molly@epa.gov]. The project proponent shall include the following items in the post-dredged and disposal report:
    - Dredging and disposal dates.
    - Updated site map displaying the disposal location(s).
    - Dredging and disposal volumes.
    - Water quality monitoring data.

- Post-dredged bathymetry.
- Updated site maps displaying any new ditches, spoil piles, widths, and depths.

**Why this condition is necessary:** This condition is necessary to minimize suspended particulates /turbidity caused by construction activities and is necessary to ensure water quality is not degraded by toxic pollutants in toxic amounts, including construction materials, oil, grease, gasoline, or other types of fluids used to operate and maintain equipment used to complete the project, or discharges from dust abatement activities as well as contaminants in dredged material. This condition also appropriately minimizes impacts from access roads, staging areas, and stockpiling to further ensure that construction activities will result in no more than minimal individual and cumulative adverse environmental effects. This condition will protect water quality because it ensures that the project proponent is using planning and construction practices that will maintain the integrity of the site hydrology and maintain the aquatic resource functions and values, and ensures that appropriate revegetation measures are used to re-establish riparian/wetland vegetation to minimize the adverse impacts of discharges of sediment and pollutants that enter waterways. Limiting the amount of vegetation that is disturbed will minimize the adverse environmental impacts of any potential discharges. Monitoring for at least three growing seasons, or until replanted areas meet monitoring success criteria, will provide an adequate indication that the restoration effort is able to demonstrate restoration is successful.

The general conditions (GC) in the Corps' NWP package do not address concerns about resuspension and turbidity caused by construction and dredging activities, thereby justifying the inclusion of this condition. NWP GC 32 only requires agency coordination in certain circumstances. Additionally, NWP GC 11 (equipment),NWP GC 12 (soil erosion and sediment controls), and NWP GC 13 (removal of temporary structures and fills) provide some aquatic resource protections, but greater specificity is needed to determine what measures are suitable to comply with applicable water quality requirements.

Citations: 33 U.S.C. 1341(a)(4); 40 CFR 230.10(c)-(d);40 CFR 230.10(d); 40 CFR 230.21(a); 40 CFR 230.70; 40 CFR 230.71; 40 CFR 230.72; 40 CFR 230.74; 40 CFR 230.75.