

**Final 2026 Nationwide Permit (NWP) Regional Conditions  
for the States of Nevada and Utah**  
*(Effective March 15, 2026, until March 15, 2031)*

**A. Regional Conditions for the States of Nevada and Utah:**

1. The permittee shall submit a pre-construction notification (PCN), in accordance with General Condition 32, in the following circumstances:

a. Activities involving new bank stabilization that do not incorporate bioengineering techniques. Bioengineering techniques include using live plants alone or in combination with dead or inorganic materials, including rock, sand, or gravel;

b. Activities resulting in a discharge of dredged or fill material in waters of the United States on Tribal Lands; and,

c. Activities involving the permanent channelization, realignment, or relocation of streams.

2. The use of NWPs 4, 5, 7, 12 - 15, 17, 18, 21 - 23, 25, 29 – 31, 33, 34, 39 - 51, 57, or 58, authorizing the discharge of dredged and/or fill material is prohibited:

a. in peatlands<sup>1</sup> containing histosols, including bogs and fens; and,

b. below the ordinary high-water mark of the Great Salt Lake containing bioherms (microbialites).

**B. 401 Water Quality Certification (401 WQC) Regional Conditions for Nevada:**

1. For all NWPs (except 24 and 34) on tribal lands within U.S. Environmental Protection Agency (EPA), Region 9 boundaries in the State of Nevada, the permittee shall comply with all terms and conditions of the attached December 11, 2025, Section 401 WQC granted by the U.S. EPA.

2. For NWPs 1, 4 – 6, 9 – 11, 20 – 22, 28, 30, 32, 34, 49, and 50, on non-tribal lands within the State of Nevada, the permittee shall comply with all terms and conditions of the attached November 25, 2025, Section 401 WQC granted by the Nevada Division of Environmental Protection.

**C. 401 Water Quality Certification (401 WQC) Regional Conditions for Utah:**

1. For all NWPs, except those that involve dam maintenance/rehabilitation or reservoir dewatering, on non-tribal lands within the State of Utah, the permittee shall comply with all terms and conditions of the attached December 4, 2025, 401 WQC granted by the State of Utah, Department of Environmental Quality.

<sup>1</sup>A peatland is defined as a wetland with saturated organic soil (greater than or equal to 16 inches in thickness) that is classified as a histosol in the Natural Resources Conservation Service (NRCS) Field Indicators of Hydric Soils in the United States (Version 8.0, 2016). A copy of the document can be obtained from the NRCS at: [http://www.nrcs.usda.gov/Internet/ DOCUMENTS/nrcs142p2\\_053171.pdf](http://www.nrcs.usda.gov/Internet/DOCUMENTS/nrcs142p2_053171.pdf)

2. For all NWP's (except 1, 2, 4, 8 - 11, 22, 24, 28, 34, 35, 48, 54, and 55) on tribal lands on Indian country<sup>2</sup> in the State of Utah,<sup>3</sup> and lands of exclusive federal jurisdiction in relevant respects within the state of Utah, the permittee shall comply with all terms and conditions of the attached December 16, 2025, 401 WQC granted by the U.S. EPA.

3. For NWP's 3, 5, 6, 7, 13, 14, 15, 18, 19, 20, 23, 25, 27, 30, 31, 32, 33, 36, 38, 41, 43, 45, 46, 57, and 59, except NWP's applied "after-the-fact" (i.e., after the discharge has occurred) or to NWP's where a waiver on limits has been granted by the District or Division Engineer, on the Ute Mountain Ute Reservation in the State of Utah, the permittee shall comply with all terms and conditions of the attached December 16, 2025, 401 WQC granted by Ute Mountain Ute Tribe.

<sup>2</sup> Indian country is defined at 18 U.S.C. § 1151.

<sup>3</sup> Indian country in Utah generally includes (1) lands within the exterior boundaries of the following Indian reservations located within Utah: the Goshute Reservation, the Navajo Indian Reservation, the reservation lands of the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes), the Skull Valley Indian Reservation, the Uintah and Ouray Reservation (subject to federal court decisions removing certain lands from Indian country status within the Uintah and Ouray Reservation), and the Washakie Reservation; (2) any land held in trust by the United States for an Indian Tribe (including but not limited to the Ute Mountain Ute Tribe); and (3) any other areas that are "Indian country" within the meaning of 18 U.S.C. Section 1151. The enclosed CWA Section 401 certification document specifies where these decisions apply.