



US Army Corps
of Engineers®

SPECIAL PUBLIC NOTICE

Sacramento District
March 3, 2026

SUBJECT: Public Notice Announcing the Final 2026 Nationwide Permit (NWP) Regional Conditions for California, Nevada, and Utah.

On January 8, 2026, the U.S. Army Corps of Engineers (Corps) published a final agency action in the Federal Register (91 FR 768) announcing the reissuance of 56 existing nationwide permits (NWPs) and one new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 57 NWPs will go into effect on March 15, 2026, and will expire on March 15, 2031. One NWP was not reissued.

The January 8, 2026, Federal Register notice for the 2026 NWPs is available for viewing at: <https://www.federalregister.gov/documents/2026/01/08/2026-00121/reissuance-and-modification-of-nationwide-permits>

The South Pacific Division has approved the final regional conditions for the 2026 NWPs in California, Nevada, and Utah. These regional conditions are identical to the regional conditions for the 2021 NWPs, except for new general 401 water quality certification conditions applicable to the 2026 NWPs. The final 2026 NWP regional conditions for all 57 NWPs in Sacramento District consists of two lists:

1. *Final 2026 Nationwide Permit (NWP) Regional Conditions for the State of California (attachment 1)*: This list contains two regional conditions (Regional Conditions 1 and 8) and two general 401 water quality certification conditions applicable to projects within the Sacramento District boundaries in California.

2. *Final 2026 Nationwide Permit (NWP) Regional Conditions for the States of Nevada and Utah (attachment 2)*: This list contains two regional conditions for Nevada and Utah; two general 401 water quality certification conditions for Nevada; and three general 401 water quality conditions for Utah.

The Final 2026 NWP (NWP) Regional Conditions for the State of California were developed by the Sacramento, Los Angeles, and San Francisco Districts. When combined with the terms and conditions of the NWPs, the final regional conditions were designed to ensure no more than minimal impacts occur to waters of the U.S. The final 2026 NWP regional conditions for California, Nevada, and Utah will take effect on March 15, 2026, and will expire on March 15, 2031.

Section 401 Water Quality Certifications (WQCs): The Sacramento District has received the following general Section 401 WQCs for California, Nevada, and Utah:

1. California:

a. U.S. Environmental Protection Agency (USEPA), Region 9: On December 11, 2025, USEPA Region 9, unconditionally granted water quality certification for NWP 1, 2, 4 - 6, 9 - 11, 18 - 20, 22, 23, 25, 28, 30, 32, 35 - 38, 41, 45, 46, 48, 54, 55, and 59; conditionally granting certification for NWP 3, 7, 12 - 17, 21, 27, 29, 31, 33, 39, 40, 42 - 44, 49 - 53, 57, 58, and 60; and expressly waived certification for NWP 24 and 34 for activities on tribal lands within USEPA Region 9 boundaries.

b. California State Water Resources Control Board (SWRQB): On December 15, 2025, the SWRQB conditionally granted water quality certification for NWP 1, 3a, 4 - 6, 9 - 14, 20, 22, 28, 32, 36, 54, 57 and 58 for activities on non-tribal lands in the State of California.

2. Nevada:

a. U.S. Environmental Protection Agency (USEPA), Region 9: On December 11, 2025, the USEPA Region 9, granted certification for NWP 1, 2, 4, 5, 6, 9, 10, 11, 18, 19, 20, 22, 23, 25, 28, 30, 32, 35, 36, 37, 38, 41, 45, 46, 48, 54, 55, and 59; conditionally granted certification for NWP 3, 7, 12, 13, 14, 15, 16, 17, 21, 27, 29, 31, 33, 39, 40, 42, 43, 44, 49, 50, 51, 52, 53, 57, 58, and 60; and, expressly waived certification for NWP 24 and 34 for activities on applicable tribal lands within USEPA's Region 9 boundaries in the State of Nevada.

b. Nevada Division of Environmental Protection (NDEP): On November 25, 2025, the NDEP conditionally granted certification for NWP 1, 4, 5, 6, 9, 10, 11, 20, 21, 22, 28, 30, 32, 34, 49, and 50; denied certification for NWP 2, 3, 7, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 27, 29, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 57, 58, 59, and 60; and, expressly waived certification for NWP 24, 48, 54, and 55 for activities on non-tribal lands within the State of Nevada.

3. Utah:

a. U.S. Environmental Protection Agency (USEPA), Region 8: On December 16, 2025, the USEPA, Region 8 granted certification for NWP 5, 20, 27, and 32; conditionally granted certification for NWP 3, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 29, 30, 31, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53, 57, 58, 59, and 60; expressly waived certification for NWP 4, 22, 34, 48, and 54 for activities on applicable tribal land within USEPA's Region 8 coverage area in the State of Utah.

b. Utah Division of Water Quality, Department of Environmental Quality (UT DEQ): On December 4, 2025, UT DEQ conditionally granted certification for all NWP and denied certification for any NWP activity involving "dam maintenance/rehabilitation or reservoir dewatering" for activities on non-tribal lands within the State of Utah.

c. Ute Mountain Ute Tribe (UMUT): On December 16, 2025, the UMUT conditionally granted certification for NWP 3, 5 - 7, 13 - 15, 18 - 20, 23, 25, 27, 30 - 33, 36, 38, 41, 43, 45 - 57, and 59; expressly waived certification for NWP 4, 22, 48, and 54 for activities on UMUT lands in the State of Utah.

Section 401 Water Quality Certification Denials: The Sacramento District has received the following general Section 401 WQC denials:

1. California

a. California State Water Resources Control Board (SWRQB): On December 15, 2025, the SWRQB denied certification for NWP 2, 3b, 3c, 7, 8, 15 - 19, 21, 21, 23 - 25, 27, 29 - 31, 33 - 35, 37 - 46, 48 - 53, 55, 59 and 60 for activities on non-tribal lands in the State of California.

2. Nevada

a. Nevada Division of Environmental Protection (NDEP): On November 25, 2025, the NDEP denied certification for NWP 2, 3, 7, 12 - 19, 22, 23, 25, 27, 29, 31, 33, 35 - 46, 51 - 53, 57 - 59, and 60 for activities on non-tribal lands within the State of Nevada.

b. Pyramid Lake Paiute Tribe: On December 18, 2025, the Pyramid Lake Paiute Tribe denied 401 WQC for all 2026 NWP; thus, individual 401 certification will be required on all Pyramid Lake Paiute tribal lands.

c. Summit Lake Paiute Tribe: On August 14, 2025, Summit Lake Paiute Tribe denied 401 WQC for all 2026 NWP; thus, individual 401 certification will be required on all Summit Lake Paiute tribal lands.

3. Utah

a. Navajo Nation: On December 12, 2025, the Navajo Nation denied WQC for all NWP activities on their tribal lands in Arizona, New Mexico, and Utah. Individual Section 401 WQC is required for all NWP activities on Navajo Nation lands.

b. Ute Mountain Ute Tribe (UMUT): On December 16, 2025, the UMUT denied certification for NWP 12, 16, 17, 21, 24, 29, 34, 37, 39, 40, 42, 44, 49, 50 – 53, and 58 for activities on UMUT lands in the State of Utah.

No responses were received from the Table Mountain (CA), Kletsel Dehe Winton Nation (CA), Walker River Paiute Tribe (NV), Yerington Paiute Tribe of Nevada (NV), Confederated Tribes of the Goshute Reservation (NV/UT), and Shoshone – Paiute Tribes of the Duck Valley Reservation (NV/ID). As a result, Section 401 WQC is waived. There is no requirement to obtain individual 401 certification for any 2026 NWP activity within these certifying authorities' areas of responsibility.

If you have any questions, please contact Ms. Leah Fisher at our Special Projects Branch, Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 860, Sacramento, California 95814-2922, by email at Leah.M.Fisher@usace.army.mil, or telephone at (916) 557-6639.

Attachments:

Attachment 1 - *Final 2026 NWP Regional Conditions for the State of California*

Attachment 2 - *Final 2026 NWP Regional Conditions for the States of Nevada and Utah*

Final 2026 Nationwide Permit (NWP) Regional Conditions for the State of California

(Effective March 15, 2026, until March 15, 2031)

A. Regional Conditions for the State of California:

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;

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

d. Activities that have the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council. The PCN shall include an EFH assessment and analysis of effects of the action on EFH, in accordance with 50 C.F.R. § 600.920 (e). For Federal permittees, if a PCN is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

2. In the desert regions of Los Angeles District (USGS Hydrologic Unit Code accounting units: *Lower Colorado* - 150301, *Northern Mojave* - 180902, *Southern Mojave* - 181001, and *Salton Sea* - 181002), NPWs 3, 7, 12 – 15, 17 – 19, 21, 23, 25, 29, 35, 36, 39 – 46, 48 – 54, and 57 – 59, cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the loss of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45, in excess of 0.1 acre.

3. In the Los Angeles District, NWP 29, 39, 42 and 43 cannot authorize a loss of waters of the United States greater than 0.25 acre within the Murrieta Creek and Temecula Creek watersheds in Riverside County.

4. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' South Pacific Division Engineer, through discretionary authority has revoked the use of the following 26 selected NWP within these SAMP watersheds: 3, 7, 12 – 14, 16 – 19, 21, 25, 27, 29, 31, 33, 39 – 44, 46, 49, 50, 57, and 58. Consequently, these NWP are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill material under the Corps' Clean Water Act section 404 authority. Additional information is available here: <https://www.spl.usace.army.mil/Missions/Regulatory/Established-LOP-Procedures>.

5. In the Los Angeles District, the permittee shall submit a pre-construction notification (PCN), in accordance with General Condition 32, in the following circumstances:

a. Activities that would result in a loss of waters of the United States within the Murrieta and Temecula Creek watersheds in Riverside County, California;

b. Activities that would result in a loss of waters of the United States within Santa Clara River watershed in Los Angeles and Ventura County, California, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River;

c. Activities that would result in a loss of waters of the United States within all watersheds in the Santa Monica Mountains in Los Angeles and Ventura County, California, bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south; and,

d. Activities that would result in a loss of waters of the United States within all perennial waterbodies and special aquatic sites.

6. In the San Francisco District, the use of NWP 29 and 39 are prohibited within the San Francisco Bay diked baylands¹ (Figure 1).

7. In the San Francisco District, the permittee shall submit a pre-construction notification (PCN), in accordance with General Condition 32, for all NWP activities that will take place in waters of the United States, including jurisdictional wetlands, that are within the San Francisco Bay diked baylands¹ (Figure 1).

8. In the Sacramento District, the use of any NWP (except NWP 3, 6, 16, 20, 24, 27, 37, 38, 52, 53, and 59) authorizing the discharge of dredged or fill material in peatlands² containing histosols, including bogs and fens, is prohibited.

¹The San Francisco Bay diked baylands are defined as undeveloped areas that are currently behind levees and are within the historic margin of the Bay. The historic margin of the Bay is defined as areas on the Nichols and Wright map (see figure 1) below the 5-foot contour line, National Geodetic Vertical Datum (NGVD) (Nichols, D.R., and N. A. Wright. 1971. Preliminary map of historic margins of marshland, San Francisco Bay, California. U.S. Geological Survey Open File Map).

²A peatland is classified by the Natural Resources Conservation Service (NRCS) as a Histosol if half or more of the upper 80 cm is organic. See Field Indicators of Hydric Soils in the United States (Version 9.2, 2025) here: https://www.nrcs.usda.gov/sites/default/files/2025-09/Field-Indicators-of-Hydric-Soils-v9-2_0.pdf

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

1. For NWPs 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58, on **non-tribal lands within the State of California**, the permittee shall comply with all terms and conditions of the attached December 15, 2025, Section 401 WQC granted by the State of California, State Water Resources Control Board.
2. For all NWPs (except 24 and 34) on **tribal lands within U.S. Environmental Protection Agency (EPA) Region 9 boundaries in the State of California**, the permittee shall comply with all terms and conditions of the attached December 11, 2025, Section 401 WQC granted by the U.S. EPA.
3. For NWPs 3 - 7, 13 - 23, 25, 27, 29 - 34, 36 - 46, 48 - 54, 59 and 60 on the **Morongo Reservation within the Los Angeles District boundaries in the State of California**, the permittee shall comply with all terms and conditions of the attached October 29, 2025, Section 401 WQC granted by the Morongo Band of Mission Indians.
4. For all NWP activities on the **Pala Reservation within the Los Angeles District boundaries in the State of California**, the permittee shall comply with all terms and conditions of the attached October 29, 2025, Section 401 WQC granted by the Pala Band of Mission Indians.

**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 peatlands¹ 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.

¹A 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 country² in the State of Utah,³ 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.

² Indian country is defined at 18 U.S.C. § 1151.

³ 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.