



US Army Corps  
of Engineers®

# PUBLIC NOTICE

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## Jacksonville District

### Nationwide Permits Reissuance Request for Comments

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) with some modifications and to 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 NWPs 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 NWPs are due by July 18, 2025.

#### Regional Issues Concerning the Proposed NWPs, 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 NWPs are no more than minimal, both individually and cumulatively. Division engineers may also suspend or revoke specific NWPs 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 NWPs may be more than minimal. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Jacksonville District for the State of Florida. The Jacksonville 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 NWPs 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 State of Florida. After careful evaluation, the Jacksonville District is proposing to eliminate most of the 2021 NWP regional conditions. Many of the 2021 NWP regional conditions were only informative, were duplicative of the NWP general conditions, and/or described Jacksonville District internal or interagency process. Other 2021 NWP regional conditions were only applicable to the Antilles, which is now within the area of responsibility of the Caribbean District. Some 2021 NWP regional conditions required submittal of PCNs for specific NWPs. These regional conditions were eliminated because those specific NWPs already require submittal of PCNs or PCNs would be required by a NWP general condition. The Jacksonville District intends to provide helpful information to assist prospective permittees in fulfilling their obligations under the NWP general and regional conditions by posting an informational document to the Jacksonville District Regulatory web page after the final NWPs and regional conditions go into effect. The substance of many of the 2021 regional conditions which were informational only will be incorporated into this document. For example, it will explain how to determine when an activity may affect a listed species, triggering the requirement for PCN under General Condition 18. Similarly, it will note the Designated Critical Resource Waters within the State of Florida to which General Condition 22 applies. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to Jacksonville District, 701 San Marco Boulevard, Jacksonville, Florida, by phone at 813-233-6877, or by email to [CESAJ-NWP-2026@usace.army.mil](mailto:CESAJ-NWP-2026@usace.army.mil). Comments relating to regional conditions are due by August 4, 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 NWPs 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 NWPs. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWPs.

#### Draft Decision Documents:

Draft decision documents for each of the proposed NWPs, 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 NWPs with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWPs, 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 NWPs that are issued.

Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page at **<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and->**

**Permits/Nationwide-Permits/**, at **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>.



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
701 SAN MARCO BOULEVARD  
JACKSONVILLE, FLORIDA 32207

Enclosure 1

**PROPOSED REGIONAL CONDITIONS FOR 2026 NATIONWIDE PERMITS IN  
JACKSONVILLE DISTRICT (SAJ)**

**A. BACKGROUND**

1. The following Regional Conditions have been proposed by the Jacksonville District for the Nationwide Permits (NWP) published in the June 18, 2025, Federal Register. As specified, under NWP General Condition #27, Regional and Case-By-Case Conditions: The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
2. Note: The acronym "PCN" used throughout this document refers to *Pre-Construction Notification* as further defined in NWP General Condition #32.

**B. EXCLUDED WATERS AND/OR AREAS**

N/A

**C. REGIONAL CONDITIONS APPLICABLE TO ALL NWPs**

1. Historic Properties: PCN is required for any activity within 50 meters of a historic property that is listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places. Prospective permittees may contact the Florida Master Site File, Seminole Tribe's Historic Preservation Compliance Office and applicable Tribes to conduct a historic properties search.
2. Florida Prehistoric or Historic Artifacts: In addition to General Condition 21 (Discovery of Previously Unknown Remains and Artifacts), in Florida, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the Permittee shall cease all activities involving subsurface or ground disturbance within a 100 meter diameter of the discovery. The Permittee shall contact the Corps within the same business day, or by the next business day if the remains are encountered during non-business hours. In addition, in the event that unmarked human remains are encountered during permitted activities, all work

2026 NATIONWIDE PERMIT REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT  
(SAJ)

shall stop immediately and the Permittee shall notify the medical examiner, in accordance with Section 872.05, Florida Statutes ("Unmarked human burials"), as well as the Corps and SHPO. On federal or tribal lands, or situations where the Archaeological Resources Protection Act of 1979 or Native American Graves Protection and Repatriation Act of 1990 applies, the Permittee shall notify the Corps. Once activities have ceased as a result of any of the situations identified in this Regional Condition, they shall not resume without written authorization from the Corps.

**D. REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NWP's**

1. For NWP 2:

a. All dock or pier construction over submerged aquatic vegetation, marsh and/or mangroves shall comply with the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat, dated November 2017, available in the USACE Digital Library at <https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/1930/> or subsequent updates available at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

b. Structures constructed on canals or channels shall not exceed 25% of the canal/channel width, excluding dense areas of shoreline vegetation, such as mangrove, as measured from the project location to the opposite shoreline (in order to maintain no less than 50% of the open-water portion of the waterbody for public use).

**E. ACTIVITY SPECIFIC REGIONAL CONDITIONS**

N/A

**F. SECTION 401 WATER QUALITY CERTIFICATION AND/OR COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION CONDITIONS**

TBD

**G. DEFINITIONS**

N/A

**H. DISTRICT POINT OF CONTACT**

Jessica Cordwell  
USACE Jacksonville District Regulatory Division

2026 NATIONWIDE PERMIT REGIONAL CONDITIONS FOR JACKSONVILLE DISTRICT  
(SAJ)

701 San Marco Boulevard  
Jacksonville, Florida 32207  
813-233-6877  
CESAJ-NWP-2026@usace.army.mil

## **Enclosure 2**

### **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