



Nationwide Permit Reissuance

January 8, 2026

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG.

Background: Under Section 404(e) of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) can issue general permits to authorize activities that have only minimal individual and cumulative adverse environmental effects. General permits can be issued for a period of no more than five years. A nationwide permit (NWP) is a general permit that authorizes activities across the country, unless a division commander or district engineer revokes the nationwide permit in a state or other geographic region or for a specific activity. The NWPs authorize approximately 25,000 reported activities per year, as well as approximately 30,000 activities that do not require reporting to USACE districts. Under the 2021 NWPs, there are 57 NWPs, and they authorize a wide variety of activities such as mooring buoys, residential developments, utility lines, road crossings, mining activities, wetland and stream restoration activities, and commercial shellfish aquaculture activities.

The process for issuing NWPs is a rulemaking activity. The proposal to reissue the NWPs was published in the *Federal Register* on June 18, 2025, for a 30-day public comment period ending on July 18, 2025. USACE proposed to reissue 56 of its existing 2021 NWPs. USACE also proposed to issue one new NWP authorizing activities associated with improving passage of fish and other aquatic organisms. USACE proposed not to reissue NWP 56 for activities associated with finfish mariculture. Concurrent with the *Federal Register* notice, districts issued local public notices to solicit comment on proposed regional conditions to further restrict the use of the NWPs to protect local aquatic resources.

Comments were received from more than 450 states, tribes, organizations, and individuals in response to the *Federal Register* notice. The comments were evaluated, and the draft final NWP action was prepared. The draft final action was submitted to OMB September 26, 2025, for interagency review. Six agencies provided comments on the draft final action. The agency comments were reviewed, and modifications were made to the draft final NWPs in response to agency comments.

2026 Nationwide Permits: In this final action, USACE is reissuing and modifying 56 existing NWPs and issuing one new NWP. For these 57 NWPs, USACE is also reissuing and modifying the NWP general conditions and definitions. The 2021 NWPs and the existing general conditions and definitions to the 2021 NWPs expire on March 14, 2026. The reissued NWPs have no major changes from 2021, the last time the NWPs were authorized in accordance with the law. The revised permits maintain a streamlined process for applicants to obtain authorization under the Clean Water Act and Rivers and Harbors Act of 1899 and were informed by feedback from the public and stakeholders. These permits provide expedited review of projects that have minimal impact on the aquatic environment. The 57 revised and new NWPs will go into effect on March 15, 2026.

All improvements, additions, and revisions to the package are consistent with USACE's commitment to authorizing minor activities efficiently, while ensuring appropriate environmental protection of the nation's aquatic resources.

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USACE division engineers may add, after public review and consultation, regional conditions to NWP in order to protect local aquatic ecosystems such as fens or bottomland hardwoods, or to minimize adverse effects on fish or shellfish spawning, wildlife nesting, or other ecologically critical processes or areas. Division and district commanders are also charged with ensuring appropriate coordination and consultation occurs with federally recognized tribes and resource agencies.

Revisions to the 2021 Nationwide Permits:

NWPs 12, 48, 52, 55, 57, and 58: These NWPs have been revised to add or modify advisory notes which encourage the applicant to engage with the U.S. Coast Guard (USCG) or the National Oceanic and Atmospheric Administration's National Ocean Service (NOS) regarding requirements for the marking, charting, or siting of structures in navigable waters of the United States. These changes encourage the applicant to engage with USCG and/or NOS to ensure compliance with General Condition 1 of the NWPs and to reduce an administrative burden for USACE.

NWPs 13, 27, 43, and 54: Changes were made to these NWPs to encourage the incorporation of nature-based solutions into projects which include activities that require NWP authorization. The incorporation of nature-based solutions into activities that require USACE authorization is not required, but may result in avoidance and minimization of impacts to aquatic resources. Associated with the modifications to these NWPs, the definition of nature-based solutions has been added to the NWPs.

NWP 27: This NWP was modified to provide additional clarity regarding the activities that may be authorized by this NWP to restore, establish, and/or enhance aquatic ecosystems. In addition, the NWP was modified to remove the requirement to submit a preconstruction notification to the district engineer and replaced with a reporting requirement. Unless the district engineer notifies the applicant that their proposed activities do not comply with the terms of the NWP 27 within 30 days of receiving the report, the applicant may proceed with their proposed activity.

NWP 39: This NWP authorizes activities associated with commercial and institutional developments. This NWP was modified to add data centers, pharmaceutical manufacturing, storage facilities as examples of projects which may result in regulated activities that could be authorized by this NWP.

NWP 45: This NWP authorizes activities associated with the repair of uplands damaged by discrete events. This NWP was modified to extend the timeframe within which applicants must submit a preconstruction notification to the district engineer from 12 months to 18 months.

NWP 48: This NWP was modified to exclude its use in Washington State.

NWP 54: This NWP was modified to state that a portion of a living shoreline can consist of an unvegetated cobble or sand beach and to state that temporary fills and structures necessary to construct living shorelines are authorized by this NWP.

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New NWP for 2026: NWP 60: This new NWP authorizes discharges of dredged or fill material or work and structures associated with activities to improve the passage of fish and aquatic organisms. This NWP authorizes up to 1-acre of loss of waters for such activities that include, but are not limited to construction, maintenance, modification or expansion of structures to restore or enhance passage of fish and other aquatic organisms.

Grandfathering: When the Corps reissues existing NWPs, the reissued NWPs replace the prior versions of those NWPs so that there are not two sets of NWPs in effect at the same time. The expiration date of the 57 NWPs that went into effect on March 15, 2021, and February 25, 2022, is March 14, 2026. This expiration date was expressly provided for in the rulemakings establishing these NWPs (see 86 FR 2744 and 86 FR 73522). An activity completed under the authorization provided by a 2021 NWP continues to be authorized by that NWP (see 33 CFR part 330.6(b)). Activities authorized by the 2021 NWPs that have commenced or are under contract to commence by March 14, 2026, will have one year (i.e., until March 14, 2027) to complete those activities (see 33 CFR 330.6(b)). Activities previously authorized by the 2021 NWPs that have not commenced or are not under contract to commence by March 14, 2026, or that will not be completed by March 14, 2027, will require reauthorization under the 2026 NWPs, provided those activities still comply with the terms and conditions, and qualify for authorization under the 2026 NWPs. If those activities no longer qualify for NWP authorization because they do not meet the terms and conditions of the 2026 NWPs (including any regional conditions imposed by division engineers), the project proponent will need to obtain an individual permit, or seek authorization under a regional general permit, if such a general permit is available in the applicable Corps district and can be used to authorize the proposed activity.

Public Interest: The reissuance of NWPs is of interest to various entities involved in the development of our nation's economy and the employment and well-being of our citizens, such as agricultural producers, other food producers, housing developers, industrial and commercial development companies, utility companies, mining industries, transportation departments, and commercial and recreational users of navigable waterways. The NWP reissuance is also of interest to government agencies and non-governmental organizations that seek protection of natural resources and other environmental qualities. The NWP provide incentives to avoid and minimize impacts to jurisdictional wetlands, streams, and other aquatic resources because of the limits and other conditions imposed on these authorizations. The NWP final action was published in the *Federal Register* on January 8, 2026. The final nationwide permits have been posted on USACE's Web site
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>.