



US Army Corps  
of Engineers®

# PUBLIC NOTICE

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## New England District

### Nationwide Permits Reissuance for Proposed Implementation in Massachusetts, Maine, Rhode Island, Connecticut, Vermont and New Hampshire

#### 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) and 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. Identified on Enclosure A of this public notice are the NWPs which the New England District proposes to implement or revoke. The New England District proposes

to implement all other NWP. Another enclosure for this public notice (Enclosure B) lists the proposed regional conditions currently under consideration by the New England District Regulatory Division for the New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The New England 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 within the New England states. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to U.S. Army Corps of Engineers, New England District, Regulatory Division 696 Virginia Road, Concord, MA 01742-2751 or **CENAE-R-NWP@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.

The federal rule requires that EPA determine whether discharges from a certified project may affect water quality in a neighboring jurisdiction (40 CFR 121.13 Subpart B). The Corps is seeking comments from neighboring jurisdictions regarding any potential impacts these NWPs may have on water quality in areas under their jurisdiction within the New England states. Although the Corps does not anticipate the activities verified under the NWPs will violate neighboring jurisdiction's water quality standards, the Corps is seeking comments specifically regarding water quality in neighboring jurisdiction.

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**, docket number COE-2025-0002. Final decision documents will be prepared for the NWPs that are issued.

Enclosed (Enclosure A) is an index of the proposed NWPs, general conditions, District Engineers decision, further information, and definitions. 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>.

## Enclosure A

### Index of Proposed Nationwide Permits, General Conditions, and Definitions

#### ***Nationwide Permits***

1. Aids to Navigation
2. *Structures in Artificial Canals [proposed to be revoked in New England District\*]*
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 [proposed to be revoked in New England District]*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. *Indian Tribe or State Administered Section 404 Programs [proposed to be revoked in New England District]*
25. *Structural Discharges [proposed to be revoked in New England District\*]*
26. [Reserved]
27. Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. *Moist Soil Management for Wildlife [proposed to be revoked in New England District]*
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 ***[proposed to be revoked in New England District]***
50. Underground Coal Mining Activities ***[proposed to be revoked in New England District]***
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

*\*The New England District is currently developing Regional General Permits which would cover these activities.*

### ***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