

# Attachment 1: Regional Conditions

# **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 baylands<sup>1</sup> (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 baylands<sup>1</sup> (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 peatlands<sup>2</sup> containing histosols, including bogs and fens, is prohibited.

<sup>1</sup>The 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).

<sup>2</sup>A 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](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.