



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

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PUBLIC NOTICE

FINAL 2026 NATIONWIDE PERMIT REGIONAL CONDITIONS FOR THE STATE OF CALIFORNIA

PUBLIC NOTICE DATE: PUBLISH DATE

On January 8, 2026, the U.S. Army Corps of Engineers (Corps) published the notice in the *Federal Register* announcing the reissuance of 56 existing nationwide permits (NWP) and one new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 57 NWP will go into effect on **March 15, 2026**, and will expire on March 15, 2031. One NWP was not reissued. The 2026 NWP are available at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>. The Corps has also issued final decision documents for the new and reissued NWP. These final decision documents are available at www.regulations.gov at docket number COE-2025-0002. Furthermore, the national NWP decision documents will be supplemented by Division Engineers to address decisions concerning the addition of regional conditions to the NWP.

Regional Conditions

The South Pacific Division has approved the 2026 NWP regional conditions for the State of California (attachment 1). These regional conditions for the 2026 NWP were developed by the Sacramento, San Francisco, and Los Angeles Districts (Districts) to ensure that, when combined with the terms and conditions of the 2026 NWP, the final regional conditions will ensure no more than minimal individual and cumulative adverse environmental effects will result from the 2026 NWP program.

The following 2026 NWP regional conditions for the State of California apply to the San Francisco District:

A. Regional Conditions for the State of California:

1. The permittee shall submit a pre-construction notification (PCN) for all 2026 NWP, 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 U.S. 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.

6. In the San Francisco District, the use of NWP 29 and 39 are prohibited within the San Francisco Bay diked baylands (see 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 2026 NWP activities that will take place in waters or wetlands of the U.S. that are within the San Francisco Bay diked baylands (see figure 1).

Section 401 Water Quality Certifications

Following publication of the June 18, 2025, proposed rule, the Districts requested Section 401 certifying authorities, including the State of California, Native American tribes, and the Environmental Protection Agency (EPA), to complete their water quality certification (WQC) processes for the NWPs included in the proposed rule. The following responses were received from the certifying authorities in the San Francisco District:

- California State Water Resources Control Board (SWRCB): On December 15, 2025, the SWRCB granted certification with conditions for eighteen of the NWPs (NWP 1, 3a, 4 - 6, 9 - 11, 13, 14, 20, 22, 28, 32, 36, 54, 57 and 58) and denied certification for thirty-nine (2, 3b, 3c, 7, 8, 15 - 19, 23 - 25, 27, 29 - 31, 33 - 35, 37 - 46, 48 - 53, 55, 59 and 60). The denials meet the requirements of 40 C.F.R. § 121.7(e)(2); thus, individual certification, or waiver thereof, is required for these thirty-nine NWPs.
- U.S. EPA: On December 11, 2025, U.S. EPA Region 9 responded to the certification request, unconditionally granting water quality certification for NWPs 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 NWPs 3, 7, 12 - 17, 21, 27, 29, 31, 33, 39, 40, 42 - 44, 49 - 53, 57, 58, and 60; and expressly waiving certification for NWPs 24 and 34. EPA Region 9 did not deny any NWP.
- Hoopa Valley Indian Reservation: On December 10, 2025, the Hoopa Valley Indian Reservation denied certification for NWPs 2-7, 12-23, 25, 27, 29-33, 36-46, 49-53, and 57-60. The denial of these forty-five NWPs meets the requirements of 40 C.F.R. § 121.7(e)(2). Thus, individual certification, or waiver thereof, is required for these forty-five NWPs. In the December 10, 2025 letter, the Hoopa Valley Indian Reservation expressly waived certification for NWPs 1, 8-11, 24, 28, 34, 35, 48, 54, and 55, thus there is no requirement to obtain project-specific WQC for projects authorized under these twelve NWPs within this certifying authority's area of responsibility.

- Pulikla Tribe of Yurok People: On December 18, 2025, the Pulilka Tribe of Yurok People denied certification for all NWP. The denial meets the requirements of 40 C.F.R. § 121.7(e)(2). Thus, individual certification, or waiver thereof, is required for all NWP within this certifying authority's area of responsibility.
- Quartz Valley Indian Community: On January 8, 2026, the Quartz Valley Indian Community waived certification for all NWP. There is no requirement to obtain project-specific WQC within this certifying authority's area of responsibility.
- Yurok Tribe: On December 18, 2025, the Yurok Tribe denied certification for all NWP. The denial meets the requirements of 40 C.F.R. § 121.7(e)(2). Thus, individual certification, or waiver thereof, is required for all NWP within this certifying authority's area of responsibility.

No responses were received from the Dry Creek Rancheria of Pomo Indians or the Karuk Tribe within the reasonable period of time, so the 401 WQCs are waived per 40 C.F.R. § 121.9(a)(2)(i). There is no requirement to obtain project-specific WQC within these certifying authorities' areas of responsibility.

Coastal Zone Management Act Consistency Determination

Following publication of the June 18, 2025, proposed rule, the Districts requested that the California Coastal Commission (CCC) and the San Francisco Bay Conservation and Development Commission (BCDC) concur with our consistency determinations pursuant to Section 307(c)(1) of the Coastal Zone Management Act (CZMA). The following responses were received from the CCC and BCDC:

- The CCC responded by letter of September 26, 2025, stating their objection to the Corps' consistency determination and finding that the proposed reissuance of the NWP is not consistent with Section 30233 of the California Coastal Act (Cal. Pub. Res. Code 30233). As a result, prospective permittees would be required seek individual consistency concurrence from the CCC for NWP that authorize activities within or affecting the coastal zone within CCC's jurisdiction.
- The BCDC responded by letter of December 8, 2025, providing consistency concurrence subject to the condition that the Corps adopt two regional conditions stating that:
 - The NWP will not become effective until the permittee has obtained from BCDC a state law permit or concurrence with the permittee's consistency certification or confirmation from BCDC that neither is required for the proposed activities; and
 - That NWP 8, 12, 14, 21, 24, 29, 30, 39, 40, 41, 42, 43, 44, 46, 49, 50, 51, 57, 58, and 59 are not authorized within BCDC's jurisdiction.

The Corps declined to accept BCDC's consistency concurrence since it does not advance the goal of the NWP program to streamline the permit process for proposals that have no more than minimal impacts to the human environment, 33 U.S.C. 1344(e) and do not comply with 33 C.F.R. § 325.4(a) because they are not reasonably enforceable as they would require Corps to actively enforce obtaining a consistency determination even when a PCN is not required.

Therefore, applicants will be required to seek individual consistency concurrence from the CCC or BCDC for NWPs that authorize activities within or affecting the coastal zone.

If you have any questions, please contact the Regulatory Division, San Francisco District, U.S. Army Corps of Engineers by email at cespn-rg-info@usace.army.mil or by phone at (415) 503-6795.

Attachments

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

Attachment 2 – *Figure 1, San Francisco Diked Baylands*