



US Army Corps  
Of Engineers

Walla Walla District  
Regulatory Division  
720 E. Park Boulevard, Suite 245  
Boise, Idaho 83712  
208-433-4464

# Special Public Notice

## Announcing the Regional Conditions for the 2026 Nationwide Permits in the State of Idaho

Date of Notice: March 10, 2026

---

On January 8, 2026, the U.S. Army Corps of Engineers (Corps) published a final action in the Federal Register (91 FR 768) announcing the reissuance of 56 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The Corps also issued one new NWP and did not reissue one NWP. These 57 NWPs will go into effect on **March 15, 2026**, and will expire on **March 15, 2031**:

- NWP 1 – Aids to Navigation
- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water From Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 21 – Surface Coal Mining Activities
- NWP 22 – Removal of Vessels
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered Section 404 Programs
- NWP 25 – Structural Discharges
- NWP 26 – [Reserved]
- NWP 27 – Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities
- NWP 28 – Modifications of Existing Marinas

- NWP 29 – Residential Developments
- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 34 – Cranberry Production Activities
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 44 – Mining Activities
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 47 – [Reserved]
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 49 – Coal Remining Activities
- NWP 50 – Underground Coal Mining Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines
- NWP 55 – Seaweed Mariculture Activities
- NWP 56 – [Reserved]
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances
- NWP 59 – Water Reclamation and Reuse Facilities
- NWP 60 – Activities to Improve Passage of Fish and Other Aquatic Organisms

The 57 existing NWPs published in the January 8, 2026 final action replace the 2021 versions of these NWPs. The 2021 versions of NWPs expire on March 14, 2026. According to 33 CFR § 330.6(b), *activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon an NWP that was verified under the 2021 NWP, will remain authorized provided the activity is completed within twelve months of the date of an NWP's expiration, modification, or revocation.* If an activity that was verified under the 2021 NWPs and has commenced or is under contract to commence, they will remain authorized until March 14, 2027.

With the publication of these NWPs in the Federal Register, the Northwestern Division has finalized regional conditions for the 57 NWPs in the State of Idaho. The regional conditions are intended to provide additional protection for the aquatic environment, by

ensuring that the NWP's authorize only those activities with minimal adverse effects on the aquatic environment. The final 2026 Regional Conditions for the State of Idaho for the 57 NWP's are attached.

Clean Water Act Section 401 Water Quality Certifications (WQC) have been issued for Section 404 NWP activities by the Idaho Department of Environmental Quality (IDEQ), U.S. Environmental Protection Agency (EPA), and tribes, as appropriate, in the State of Idaho.

IDEQ issued Final Section 401 WQC for the state of Idaho (excluding Tribal Reservation Lands) on December 17, 2025. IDEQ granted certification for NWP's 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 15, 17, 18, 19, 20, 22, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 48, 54, 55, and 60; granted certification with conditions for NWP's 3, 12, 13, 14, 21, 29, 39, 40, 42, 43, 49, 50, 51, 52, 57, 58, and 59; and denied certification for NWP's 16, 23, 44, and 53 as well as all projects located within Class I wetlands identified by the Idaho Department of Fish & Game. These activities will require an individual WQC from IDEQ.

EPA issued Final Section 401 WQC on December 18, 2026, for projects occurring on tribal lands where tribes do not have treatment in a similar manner as state and lands with exclusive federal jurisdiction. EPA granted certification for NWP's 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, and 60. EPA neither certified nor waived certification for NWP's 1, 2, 8, 9, 10, 11, 24, 28, 35, and 55. Consequently, if any activity authorized by these NWP's may result in a discharge into a water of the United States, on lands where the EPA acts as the certifying authority, an individual WQC from EPA is required.

The Shoshone-Bannock Tribes and Coeur d' Alene Tribe have denied without prejudice WQC for all activities authorized by NWP's on lands within the Shoshone Bannock Fort Hall Reservation, and on TAS approved waters of the Coeur d' Alene Reservation respectively. Any Section 404 NWP activity occurring in these areas will require an individual Section 401 WQC. The Shoshone-Paiute Tribes waived certification for activities located within the Duck Valley Indian Reservation.

The WQC's were accepted by the Northwestern Division Commander and any conditions of the WQC are added to the 57 NWP's as regional conditions. Water quality conditions pertaining to the NWP's are attached.

The January 8, 2026, Federal Register notice is available for viewing at: <https://www.federalregister.gov/documents/2026/01/08/2026-00121/reissuance-and-modification-of-nationwide-permits>.

As an alternative, interested parties can access the January 8, 2026, final action and related documents at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>.

All Walla Walla District NWP Documents and information will be posted at:  
<https://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Nationwide-Permits/>.

Encls:  
2026 Regional Conditions for the State of Idaho  
Section 401 Water Quality Certifications