US Army Corps of Engineers®

PUBLIC NOTICE

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Caribbean District

Nationwide Permits Reissuance 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 (NWPs) 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**, or by email to **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. An enclosure for this public notice (Enclosure 1) lists the proposed regional conditions currently under consideration by the Caribbean District, Regulatory Branch, for projects located within the Commonwealth of Puerto Rico and Territory of the United States Virgin Islands. The Caribbean 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 in the Commonwealth of Puerto Rico and U.S. Virgin Islands. Comments on regional issues relating to the proposed NWPs and proposed regional conditions should be sent to Vivian Gerena, Lead Regulatory Program Manager, via email at: RD-Antilles@usace.army.mil. Comments relating to regional conditions are due by August 4, 2025, for a 45-day comment period. 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.

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 is an index of the proposed NWPs and conditions. 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.

Index of Proposed Nationwide Permits, General Conditions, and Definitions

Nationwide Permits

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
50. Underground Coal Mining Activities
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

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

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PROPOSED REGIONAL CONDITIONS FOR 2026 NATIONWIDE PERMITS IN CARIBBEAN DISTRICT (SAA)

A. BACKGROUND

1. The following Regional Conditions have been proposed by the Caribbean District for the Nationwide Permits (NWPs) published in the June 18, 2025, Federal Register. As specified, under NWP General Condition #27, Regional and Case-By-Case Conditions: The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its Clean Water Act Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

2. Note: The acronym "PCN" used throughout this document refers to *Pre-Construction Notification* as further defined in NWP General Condition #32.

B. EXCLUDED WATERS AND/OR AREAS

Not applicable

C. REGIONAL CONDITIONS APPLICABLE TO ALL NWPs

1. PCN is required for all projects in Caribbean District's (SAA) area of responsibility (AOR), which includes projects located within the Commonwealth of Puerto Rico and Territory of the United States Virgin Islands.

2. PCN for activities in SAA's AOR shall be made using ENG Form 4345.

D. REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NWPs

1. NWP 3: Reconstruction of structures in La Parguera Natural Reserve will not be allowed under this nationwide permit.

2. NWPs 3, 13, 14, and 58. Projects within SAA AOR must meet the following conditions to address gabions, removal of accumulated sediments around bridges, and use of heavy equipment:

Gabions, sediment removal and heavy equipment: Gabions or reno mattress must not be used in coastal areas or large river systems. The removal of accumulated sediments and debris near bridges is limited to 50 feet upstream and downstream of the bridge. Heavy equipment shall work from existing upland areas (i.e., bridges, upland banks) whenever possible. If heavy equipment must be used within a

channel, the removal of riparian vegetation is limited to the access and egress point. The elimination of riverine features, such as point bars and pools, is not authorized pursuant to these NWPs. Post construction, all temporary fords or crossings shall be removed; banks and channel shall be returned to pre-existing contours and depths. The stream banks shall be fully stabilized using stream bank restoration treatments.

4. NWP 54: For projects that affect aquatic resources:

    a. The completed project should result in a net gain in aquatic resource function.

    b. Materials authorized for use under this NWP must consist mostly of natural material. Biodegradable breakwater stabilization materials, such as coir, may be used in place of plastic materials. However, in certain cases, plastic bags (Naltex) and plastic mats (UV stabilized) may be used. Concrete products (e.g., sprinkler weights) may be allowed to add to the "sufficient weight". Large-scale use of concrete as breakwater or substrate for oyster recruitment is prohibited. Certain metals (e.g., wire mesh) may be used for enclosing stone in gabions for breakwaters. Oyster mats should be used only in special cases (e.g., restoring dead margins of reefs, shoreward of and in association with bags in some cases, and held with cable ties and weights at all mat corners).

    c. Sills may be constructed in a non-linear manner to mimic natural reefs.

    d. Spacing or gaps between sill material shall be no greater than eight (8) inches to prevent entrapment of marine mammals or marine turtles.

    e. Breaks in structures shall be placed at least every 75 feet and shall be five feet in width.

    f. The PCN must include a benthic survey.

E. ACTIVITY SPECIFIC REGIONAL CONDITIONS

1. Stream Crossings: For all NWPs that involve restoration, installation of new, and/or replacement crossings within streams, the following conditions provided by the USFWS, Caribbean Ecological Services Field Office will apply:

    a. Road-Stream Crossing Removal and Associated Channel Restoration: If a crossing structure will be removed, the affected area should be restored to a natural state. Following structure removal, the stream channel should be reconstructed to match natural bankfull (i.e., channel shape from effective discharge or channel forming discharge) width, channel slope and active floodplain dimensions, which exist upstream and downstream of the

structure being removed. This activity should occur to restore physical and biological aquatic habitat connectivity, most notably, passage for aquatic and terrestrial organisms.

b. Design Criteria

i. Structure Width: The width of structures (at bankfull or top of bank elevation) should be equal to or greater than 1.2 times bankfull channel width. A single structure span of the width is preferred but multiple culverts are allowed and should be accompanied with flood relief drains. The minimum structure width of a culvert should be five feet to allow placement of substrate material. The width of the structures within the vertical adjustment potential should be equal to or greater than 1.2 times bankfull channel width. No piers, footers, piles, or abutments should be within 1.2 times bankfull width, unless there are constraints in placement and design criteria which then should allow for a minimum number of structures.

ii. Structure Alignment: The structure should achieve optimal orientation relative to both the road and stream channel. Replacement structures are sometimes shifted to achieve better alignment with the natural stream channel pattern at the crossing location. Skew angle should be in line with stream channel orientation.

iii. Structure Capacity: The structure should accommodate a 100-year flood flow without significant change in substrate size and composition. To meet this requirement, unconstrained channel types may require structures wider than 1.2 times bankfull or additional flood relief structures. The headwater depth to structure height ratio should not exceed 0.8:1 for 100-year flows in order to allow for additional vertical clearance for woody debris and sediment transport.

iv. Channel Slope: The culvert structure slope should match an appropriate reference reach of the natural stream (assessed at a minimum of approximately 20-30 times the channel width upstream and 20-30 times the channel width downstream of the site, though a suitable reference reach could be located further upstream or downstream). The maximum slope should not exceed 3.5 percent because of difficulties in retaining substrate within the structure at higher gradients, increasing both costs and design complexity. Bridges do not have a maximum slope range.

v. Embedment: If a culvert is used, the bottom of the culvert should be buried into the streambed not less than 20 percent of the culvert height to

allow natural substrate to colonize the structure's bottom. Additional culverts used to receive flows exceeding 1.2 times bankfull are not required to be embedded. A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corps if determined appropriate. The waiver request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

vi. Elevation: For open-bottomed structures, the footings or foundation should be designed to be stable for the maximum scour depth. The structure should also provide a low flow channel.

vii. Substrate: Material in structures should match the natural stream channel. Bed materials should match natural stream bed mobility characteristics. Bank and other key bed structural elements (e.g. steps, weirs, ribs, etc.) should be stable at the 100-year flow.

viii. Culvert Slope: The culvert slope shall be set within 25% of the streambed slope (e.g., if streambed slope is 2%, the designed slope of the culvert shall be between 1.5% and 2.5%). In situations where culvert slope exceeds 4%, interior baffles on the bottom of the culvert or other measures shall be used to allow for sediment colonization and/or velocity attenuation. A waiver from the slope specifications in this condition may be requested, in writing, by the permittee and issued by the Corps if determined appropriate. The waiver request must be specific as to the reason(s) for the request.

c. Soft Hierarchy Preference: Stream crossing structures are listed in order of preference from 1 (most preferred) to 4 (least preferred), as depicted on Table 1 below. Bridges that fully span the stream and have no instream pilings are preferred over other crossing types and should be used whenever possible as they minimize impacts to listed species and critical habitats.

Table 1: Structure Soft Hierarchy Preference

Order of Preference	Structure	Project Description	Conditions
N/A	Bridge	Repair/ reinforcement	Should be conducted in accordance with additional considerations below.
		Repair/ reinforcement (with rip-rap)	Placement of new rip-rap in-stream should be consulted on with the USFWS on a case-by-case basis for specific recommendations.
1	Bridge – no in-stream pilings	Replacement or upgrade	Remove all remnants of the damaged structure from the stream channel and dispose of in an off-site disposal area.
2	Bridge – with in-stream pilings	Replacement or upgrade	All bridge replacements and upgrades that require in-stream support should be consulted with the USFWS on a case-by-case basis for specific recommendations.
3	Culvert- bottomless	Replacement or upgrade	1) Culvert width should be 1.2 times bankfull width. 2) Multiple culverts are needed when the maximum culvert width available is reached. 3) Culvert slope should match channel grade. 4) Footprint relief drains should be installed in road approaches.
4	Culvert- box, elliptical or round (in order of preference for minimization of impacts)	Replacement	1) Culvert width should be 1.2 times bankfull width. 2) Culvert should be counter sunk below substrate to a depth of 20% of the culvert diameter (round) or rise (elliptical box). 3) Multiple culverts are needed when the maximum culvert width available is reached, but bankfull width has not been reached. 4) Culvert slope should match channel grade. 5) Footprint relief drains should be installed in road approaches.

d. Additional Considerations:

i. Conduct activities in a manner that minimizes disturbance to the stream bottom and banks.
ii. Keep in-stream work to a minimum.
iii. Conduct work activities from atop a stable streambank or reinforced platform, when feasible, and in a manner that does not degrade or destabilize the streambank.
iv. Install erosion and sediment control devices before any work is performed, and closely monitor and maintain for the life of the construction project.
v. Keep land clearing to the minimum level necessary for project completion. Stream bank vegetation should be left intact to the extent practicable. Cutting vegetation is preferred to root grubbing near streams.
vi. Cover disturbed areas with erosion controls mats and revegetate promptly with native grasses.
vii. Locate debris collection sites, borrow sites, fill dirt stockpiles, and equipment staging areas at least 200 feet from stream channels to minimize the potential of sediments and contaminants entering the waterway.
viii. Debris Removal: When feasible and safe, natural woody debris should remain in the stream. Conduct activities in a manner that minimizes disturbance to the stream bottom and banks. Debris should be lifted or floated out of the stream, not dragged on the bottom.
ix. Low Water Crossings-Fords: All low-water crossings should be constructed in accordance with the U.S. Forest Service Publication Number 0625 1808—SDTDC Titled “Low-Water Crossings: Geomorphic, Biological, and Engineering Design Considerations”.

F. SECTION 401 WATER QUALITY CERTIFICATION AND/OR COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION CONDITIONS

To be determined

G. DEFINITIONS

Not applicable

H. DISTRICT POINT OF CONTACT

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