



US Army Corps
of Engineers®

PUBLIC NOTICE

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Tulsa 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 (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**, 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 Tulsa District for the state of Oklahoma and portions of Texas within the Tulsa District boundary. The Tulsa 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 state of Oklahoma and portions of Texas within the Tulsa District boundary. Comments on regional issues relating to the proposed NWP's and proposed regional conditions should be sent to Bryan Noblitt, Tulsa district, 2488 East 81st Street, Tulsa, OK 74137-4290, (918) 669-4904. Comments relating to regional conditions are due by August 2, 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 NWP's 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 NWP's. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP's.

Draft Decision Documents:

Draft decision documents for each of the proposed NWP's, 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 NWP's with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP's, are available for viewing at **www.regulations.gov**, docket number COE-2025-0002. Final decision documents will be prepared for the NWP's that are issued.

Enclosed is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's 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

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5. Scientific Measurement Devices
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Nationwide Permit General Conditions

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- 28. Use of Multiple Nationwide Permits
- 29. Transfer of Nationwide Permit Verifications
- 30. Compliance Certification
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- 32. Pre-Construction Notification

District Engineer's Decision

Further Information

Nationwide Permit Definitions

Best management practices (BMPs)
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Waterbody

Enclosure 1

TULSA DISTRICT PROPOSED REGIONAL CONDITIONS FOR NATIONWIDE PERMITS

1. Aquatic Resource Protection Plan: Prior to the commencement of any work on the project site, the permittee must prepare a written Aquatic Resource Protection Plan. This plan will detail how aquatic areas in the project site and proximity that are not included in the permitted impacts will be protected from unintended disturbance and impacts by the permittee and contractors working on the project. All aquatic area boundaries where the permittee or their agent made commitments to avoid impact (no disturbance) shall be temporarily marked during construction with 1) a conspicuous barrier or 2) durable posts (t-post or other like post), flagging and signs indicating the area is "Off Limits" to all construction activities. GPS controls on construction equipment may be included in the plan but are not a substitute for conspicuous onsite boundary markers. These disturbance boundaries will be identified and explained to all contractors, equipment operators and laborers employed on the project site. The temporary boundary shall include a vegetative buffer to help protect against unintended impacts of fill to adjacent aquatic area(s). Once construction activities are completed, the temporary boundary markers may be removed, unless required to remain by other mitigation provisions of the permit special conditions. Once construction has commenced, you are required to take photos of the in-place construction boundary protection markers. If requested by the Corps as a result of a random permit compliance inspection, you will be required to provide photo(s) to verify proper implementation.
2. Project-Specific Locations Impacts: The permittee is responsible for identifying and controlling the full scope of impacts resulting from execution of the authorized work for all project-associated sites such as access roads, haul roads, staging areas, storage areas, borrow sites, disposal sites, and other off project facilities. Where the work will be executed by contract, the Permittee shall conduct a meeting with the contractor(s) detailing the terms and conditions of this Nationwide Permit prior to commencing construction activities of the project. Project associated sites that are left to contractor option should be reviewed by the Permittee to determine whether additional coordination with the Corps will be required relative to the approval authority (Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act) or compliance with other federal laws (e.g., Endangered Species Act, National Historic Preservation Act, etc.). The Permittee shall not commence project construction until Project- Specific Locations Pre-Construction Meeting has been completed to ensure that the project shall protect water quality, avoid wetlands, and avoid known historic properties as well as tribal interests.
3. Project Debris: To the maximum extent practicable, all demolition and surplus materials generated in the vicinity of the permit site shall be removed from the

waterway. These materials include, but are not limited to asphalt, metal, wood, concrete, soil, gravel, and other construction materials. Any existing subsurface support and structures (piers) that are not required for the final project shall be removed to below the bed of the stream and remaining portions covered with native streambed materials. No demolition debris shall be used as riprap material or embankment or abutment stabilization.

4. Sediment Control of Stockpile Areas (Expansion of NWP General Condition 12): Stockpile areas shall not be located in a water of the United States or adjacent wetland. The Permittee shall incorporate ECM along the entire perimeter of the stockpile area to prevent excavated materials or imported construction materials from eroding into adjacent wetlands or waters. Stockpile locations shall be placed outside of the 25-year floodplain.
5. Suitable Material (Expansion of NWP General Condition 6): No discharges of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act). The use of asphaltic rubble is prohibited and may not be used for bank stabilization. Suitable material shall consist of rock, stone, vegetative erosion control measures, broken concrete (without exposed rebar) and when applicable, clean soil. Concrete rubble may be used only if exposed rebar is cut-off flush with the face of the rubble. Material used for bank stabilization or fill shall consist of suitable material free from toxic contaminants in other than trace quantities.