

ENCLOSURE 1

ALASKA DISTRICT PROPOSED REGIONAL CONDITIONS for the PROPOSED 2026 NATIONWIDE PERMITS (NWP)

The Alaska District Regulatory Office has issued the following proposed Regional Conditions to ensure that activities authorized by NWPs in the Alaska District cause no more than minimal adverse environmental effects, individually and cumulatively. Before the Alaska District will verify an activity under one or more NWPs, the proposed activity must comply with the NWP terms and all applicable General and Regional Conditions.

APPLICABILITY: The following would apply throughout the state of Alaska.

RESTRICTIONS:

REGIONAL CONDITION A – Revoked Permits

The following NWPs are revoked within Alaska:

- 24. Indian Tribe or State Administered Section 404 Programs
- 34. Cranberry Production Activities

REGIONAL CONDITION B – Additional Pre-Construction Notification (PCN)

Requirements

1. NWP 13, Bank Stabilization: In addition to the PCN requirements specified by NWP 13, a PCN is required for proposed bank stabilization projects in fresh water when the proposed methods and techniques are not in accordance with the Streambank Revegetation and Protection: A Guide for Alaska Revised 2005 (Walter, Hughes and Moore, April 2005) (Guide) or its future revisions. The Guide is available at <http://www.adfg.alaska.gov/index.cfm?adfg=streambankprotection.main>.
2. Proposed projects that qualify for NWPs 12, 13, 14, 18, 57, and 58 within the Municipality of Anchorage require a PCN.
3. NWP 48: A PCN is required for impacts to greater than 1/2 acre of special aquatic sites (wetlands, mudflats, vegetated shallows, coral reefs, etc.).
4. NWP 12, 57, and 58: A PCN is required for projects located within permafrost soils identified using the appropriate soil survey (<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) or other appropriate data (e.g., other geospatial information and/or field gathered data).

REGIONAL CONDITION C – Activities Involving Trenching

Trenches may not be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). Ditch plugs or other methods shall be used to prevent this situation.

Except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess materials shall be removed to a non-waters of the U.S. location. The backfilled trench shall achieve the pre-construction elevation, within a year of disturbance unless climatic conditions warrant additional time. The additional time must be approved by USACE.

Excavated material temporarily sidecast into wetlands shall be underlain with geotextile, ice pads, or similar material, to allow for removal of the temporary material to the maximum extent practicable.

REGIONAL CONDITION D – Site Revegetation for Projects with Ground Disturbing Activities

Re-vegetation of all disturbed areas within the project site shall begin as soon as site conditions allow and in the same growing season as the disturbance, unless climatic conditions warrant additional time (e.g., too wet or too cold). Topsoil (the outermost layer of soil, usually the top 2 – 8 inches) removed from the construction area shall be separated and used for site rehabilitation. When backfilling, topsoil shall be placed as the top layer to provide a seed bed for regrowth. If topsoil is not available from the project site, local native soil material obtained from an approved site may be used. Species used for seeding and planting shall be certified seed sources free of invasive species and follow this order of preference: 1) species native to the site; 2) species native to the region; 3) species native to the state.

REGIONAL CONDITION E – Delineation of Project Footprint

Prior to commencement of construction activities within waters of the U.S., the permittee shall clearly identify the permitted limits of disturbance at the project site with highly visible markers (e.g. construction fencing, flagging, silt barriers, coir logs, etc.). The permittee shall properly maintain such identification until construction is complete and the soils have been stabilized. The permittee is prohibited from conducting any unauthorized USACE-regulated activity outside of the permitted limits of disturbance (as shown on the permit drawings).

REGIONAL CONDITION F – Maintenance of Hydrology Patterns

Natural drainage patterns shall be maintained using appropriate methods. Excessive ponding or drying adjacent to fill areas shall indicate non-compliance with this condition.

REGIONAL CONDITION G – Clean Fill Material: No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts. Only clean rip rap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used.

REGIONAL CONDITIONS H, I, J, K, and L APPLY TO SPECIFIC NWPs

REGIONAL CONDITION H – NWP 40 Agricultural Activities

The following activities are not authorized by NWP 40: a. Installation, placement, or construction of drain tiles, ditches, or levees; and b. Mechanized land clearing or land leveling in wetlands within 300 feet of an anadromous water (anadromous water is defined by the state of AK see <https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive>).

REGIONAL CONDITION I – NWP 44 Mining Activities

Placer mining activities are excluded from coverage by NWP 44 (Mining Activities). Placer mining may be authorized by Regional General Permit POA-2014-00055-M2 (RGP 8). In Alaska, NWP 44 may only authorize the following activities:

1. Hard rock mining within waters jurisdictional under only Section 404 of the Clean Water Act, not including trenching, drilling, or access road construction.
2. Temporary stockpiling of sand and gravel in waters of the U.S., limited to seasonally dewatered unvegetated sand/gravel bars. Stockpiles shall be completely removed and the area restored to pre-project contours within one year, in advance of seasonal ordinary high water events, or prior to equipment being removed from site, whichever occurs first.

REGIONAL CONDITION J – NWP 48 and 55:

When an Aquatic Farm Lease is required from the Alaska Department of Natural Resources (ADNR) for a new or modified aquatic farm, the applicant must obtain and submit a copy of the ADNR preliminary decision with a Preconstruction Notification to the USACE.

REGIONAL CONDITION K – NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52:

The proposed NWP activity must not cause the loss of anadromous streambed.

REGIONAL CONDITION L – NWP 6: Trenching or similar temporary exploration activities are limited to 0.02-acre impact per each exploration point. WOTUS impacts exceeding this threshold may indicate the activity is no longer exploratory in nature and could be considered mining and this would require a PCN to the Alaska District for review of a Regional General Permit (RGP) 8 or Standard permit.