



## REGION 6

DALLAS, TX 75270

December 2, 2025

### TRANSMITTED VIA EMAIL

Mr. Brad A. Guarisco  
Acting Chief, Regulatory Division  
New Orleans District, U.S. Army Corps of Engineers  
7400 Leak Avenue  
New Orleans, LA 70118  
[brad.a.guarisco@usace.army.mil](mailto:brad.a.guarisco@usace.army.mil)

RE: Clean Water Act Section 401 Water Quality Certification for the 2026 U.S. Army Corps of Engineers Nationwide Permits

Dear Mr. Guarisco:

CWA Section 401 requires applicants for Federal licenses or permits to conduct any activity which may result in any discharge into waters of the United States to obtain a certification or waiver from the certifying authority where the discharge originates or will originate. Where no State or Tribe has authority to give such certification, the U.S. Environmental Protection Agency is the certifying authority. 33 U.S.C. 1341(a)(1). In this case, Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, and Tunica-Biloxi Indian Tribe do not have the authority to provide CWA Section 401 certification for projects within their respective Tribal land. Therefore, the EPA is making the CWA Section 401 certification decision for the 2026 Nationwide Permit reissuance in Indian Country in Louisiana.

### **NWPs Description**

On June 18, 2025, the Corps proposed to reissue 57 NWPs and 1 new NWP that would expire in March 2026. 90 FR 26100 (June 18, 2025). The purpose of the NWPs is to authorize categories of activities under CWA Section 404 and Section 10 of the Rivers and Harbors Act of 1899 that have no more than minimal individual and cumulative adverse environmental impacts. For more details see:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

### **The EPA's Public Notice Process**

On June 18, 2025, the EPA received a request for certification from Corps New Orleans District. On June 26, 2025, the EPA issued a public notice regarding the proposed project and provided the opportunity for the public to submit comments until September 1, 2025. EPA received no comments during the public notice period.

### **General Information**

The general information provided does not constitute a certification condition(s).

#### *General Applicability*

- The Corps did not request for certification for NWP 1,2,8,9,10,11,24,28,35, and 55, and as such, the certification process did not begin and EPA neither certified nor waived certification. Consequently, if any activity authorized by this NWP may result in a discharge into a water of the United States, on lands that EPA acts as the certifying authority, the Corps must seek CWA 401 certification from EPA.
- If a project proposal does not meet either the general or NWP-specific certification conditions, or if certification is denied for a specific NWP, the project proponent must request an individual certification from EPA Region 6.

#### *Documentation Recommendations*

- Project proponents for potential projects authorized under the NWPs should retain this certification in their files with the applicable NWPs as documentation of EPA's certification decisions for the above-referenced proposed NWPs. This certification is specifically associated with the proposed NWPs described above and expires when those NWPs expire, five years from Corps issuance date, or are otherwise superseded by subsequent reissuance if less than five years.
- Copies of this certification should be kept on the job site and made readily available for reference.

#### *Contact Information*

- The project proponents for potential projects authorized under an NWP are encouraged to contact EPA Region 6 during the project planning phase if there are any questions about relevant best management practices (e.g., bioengineering techniques, biodegradable erosion control measures, revegetation using native plant species, suitable fill materials, and disposal of debris/construction materials preventing runoff) and resources that can assist with compliance.
- Prior to work commencing, EPA recommends that project proponents notify the appropriate Tribal Environmental Office, if applicable.
- In the case of a spill, EPA recommends that the project proponent notify EPA Region 6 within 8 hours from discovery. For emergency spills, EPA recommends that the project proponent contact the EPA's National Response Center at 1-800-424-8802 as well as the appropriate personnel identified in the project's Spill Prevention Control and Countermeasures, or similar plan, if applicable.
- If you have any questions regarding this certification, please contact Mr. Daniel Landeros, 214-665-8077, [Landeros.Daniel@epa.gov](mailto:Landeros.Daniel@epa.gov)

### **Certification Decision**

#### ***Grants of Certification without Conditions***

EPA is granting certification without conditions for NWPs 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 and A. For NWPs that EPA grants certification without conditions, EPA has determined that the activity will comply with the applicable water quality requirements, including any limitation, standard, or other requirement under sections 301, 302, 303, 306, and 307 of the CWA; any Federal

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and State or Tribal laws or regulations implementing those sections; and any other water quality-related requirement of State or Tribal law.

Thank you for your ongoing partnership in implementing the regulatory programs of the CWA. Should your office have any questions, please feel free to contact our staff: 1) Mr. Daniel Landeros, 214-665-8077, [Landeros.Daniel@epa.gov](mailto:Landeros.Daniel@epa.gov); 2) Dr. Raul Gutierrez, 214-665-6697, [Gutierrez.Raul@epa.gov](mailto:Gutierrez.Raul@epa.gov).

Sincerely,

Troy C. Hill, P.E.  
Director  
Water Division