



REGION 2

NEW YORK, N.Y. 10007

DATE OF NOTICE: July 8, 2025

PUBLIC NOTICE NUMBER: 2025-18

COMMENT PERIOD: Thirty (30) calendar days after issuance of this Public Notice

ACTION: Section 401 CWA Water Quality Certification; U.S. Army Corps of Engineers Nationwide Permits and Regional Conditions for Indian Nation Lands Lacking Certification Authority in New York

SUMMARY: Request for Comments on Section 401 Clean Water Act (CWA) Water Quality Certification for the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWP) and Regional Conditions for Indian Nations / Tribal lands lacking Section 401 certification authority in New York.

Supplemental Information:

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) New York and Buffalo Districts requested a Clean Water Act (CWA) Section 401 Water Quality Certification from EPA for the proposed Nationwide Permits (NWP) renewal and revision. On June 18, 2025, Corps Headquarters published in the Federal Register its proposal to renew and revise 57 NWP, and one new NWP, for work in wetlands and other waters that are regulated by Section 404 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899. NWP are a type of general permit issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects.

EPA is reviewing the draft NWP, as well as draft Regional Conditions, and acts as the certifying authority for programmatic CWA Section 401 certification covering the Indian Nations/Tribes in Region 2 not approved for Treatment as a State. EPA, as a certifying authority, must decide whether to (1) grant certification as proposed; (2) grant certification with specific conditions; (3) grant certification to some of the NWP, but reserve project-by-project review for others; or (4) deny or waive certification of some or all of the NWP.

Information on the proposed 2026 NWP and Regional Conditions are provided in the following Corps Public Notices:

- [Federal Register Notice of Proposed Rulemaking](#)
- [USACE New York District & Buffalo District: 2026 Nationwide Permits Reissuance and Regional Conditions Request for Comments](#)

- [USACE Headquarters Website: Nationwide Permits](#)

How to Comment (box at righthand side of public notice webpage)

Comments accepted through: 8/7/2025

Currently, EPA is only able to receive comments or requests via email. To submit your comments or for more information contact: Region2_CWA401@epa.gov

If you are unable to submit electronically or need other assistance, please contact:

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Do not submit any information you consider to be Confidential Business Information. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Dated: July 8, 2025

Richard P. Balla, Manager

Watershed Management Branch