

**Final 2021 Nationwide Permit (NWP) Regional Conditions
for the State of Arizona**

*(NWPs 12, 21, 29, 39, 40, 42-44, 48, 50-52, and 55-58,
Effective March 15, 2021 through March 14, 2026)*

1. The permittee shall submit a pre-construction notification (PCN) for all 2021 NWPs, in accordance with General Condition 32, in the following circumstances:

a. Activities that would result in a loss* of waters of the United States within all perennial and intermittent waterbodies and special aquatic sites.

b. Activities resulting in a discharge of dredged or fill material in waters of the United States on Tribal lands**;

c. All waterbodies designated by the Arizona Department of Environmental Quality (ADEQ) as Outstanding Arizona Waters (OAWs), within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated OAW, and on tributaries to OAWs within 1600 meters of the OAW (see <http://www.azdeq.gov/index.html>).

d. All waterbodies designated by the ADEQ as 303(d)-impaired surface waters, within 1600 meters (or 1 mile) upstream and/or 800 meters (1/2 mile) downstream of a designated impaired surface water, and on tributaries to impaired waters within 1600 meters of the impaired water (see <http://www.azdeq.gov/index.html>).

2. In the state of Arizona the use of any 2021 NWPs resulting in greater than 0.1-acre loss* of wetlands, mudflats, vegetated shallows, or riffle and pool complexes, as defined at 40 CFR Part 230.40-45, is prohibited.

** "Loss" means waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity.*

***"Tribal Lands" refers to any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.*