



NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION

July 18, 2025

Re: Proposal To Reissue and Modify Nationwide Permits; COE-2025-0002 submitted via regulations.gov

The National Stone, Sand and Gravel Association (NSSGA), is pleased to submit these comments on the Army Corps (Corps) of Engineers' proposal to reissue and modify nationwide permits (NWP). NSSGA supports this reissuance but continues to believe the size limits are too small and that aggregates should have its own permit, separate from other mining.

NSSGA is the leading advocate for the aggregates industry. Our members are responsible for the essential stone, sand and gravel found in road and public works projects as well as erosion control, wastewater, sewage, air pollution control, and drinking water purification systems. Aggregate companies take rock from the ground, then crush and sort it. When aggregate producers are finished using the stone, sand, or gravel in the area, they return the land to other productive uses such as drinking water reservoirs and nature preserves. The determination of CWA jurisdiction is critical to this industry, and NSSGA has provided input and comments on every major WOTUS action undertaken by the agencies. The scope and reach of CWA jurisdiction have a direct impact on the costs of planning, financing, constructing, and operating an aggregates facility.

#### **An Aggregate Specific Permit Should be Re-created**

Congress enacted section 404 (e) so that the Corps could focus its resources appropriately and provide a streamlined process for minimal impact activities, and NSSGA supports this. NSSGA has consistently engaged with the Corps on revisions to the NWP program. Since the Corps first proposed phasing out NWP 26 and replacing it with activity-specific NWPs, NSSGA's members have requested an activity-specific NWP for the aggregate industry multiple times. The Corps' decision to combine all mining activities into just one permit, NWP 44, ignores the significant differences between environmental effects of aggregates vs. other types of mining, which limits the use of NWP 44 for the aggregates industry. Many types of projects required at an aggregate operation require costly and lengthy 404 permits far too often, even though the environmental impacts are minimal for aggregates operations when compared with other types of mining.



### **NWP 44 Should Be Expanded**

NWP 44 (or a new aggregates-only permit) should be expanded from ½ acre of impacts to three acres of impacts or more. The acreage limits for NWP projects have decreased over time, not based on data or scientific justification. We urge the Corps to consider increasing the limits to three acres, consistent with current commonsense proposals in Congress.


Alternatively, as suggested by NSSGA comments on the proposed 2006 permit, use a sliding acreage cap based on project size or acreage up to 5 acres of affected via the following:

- (a) 100 Acres -- One half acre;
- (b) 200 Acres -- One acre;
- (c) 300 Acres -- Two acres;
- (d) 400 Acres -- Two & One half acres;
- (e) 500 Acres -- Three acres; and
- (f) 600 Acres -- Three & One half acres.

Large project size enables NWP use that constitutes minimal adverse effects on individual and cumulative basis better than rigid half-acre caps unrelated to project size.

In summary, NSSGA generally supports this reissuance of the NWPs, but is concerned about the lack of a specific NWP for aggregates, and arbitrary limit of ½ an acre. NSSGA suggests that the Corps expand the scope of jurisdiction and issue a functional NWP for the aggregates industry. Thank you for considering these comments and recommendations. I can be reached at (703) 526-1064 or at [ecoyner@nssga.org](mailto:ecoyner@nssga.org).

Sincerely,



Senior Director, Environmental Policy

