



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

May 15, 2026

Mr. Lee Forsgren
Acting Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

RE: Request for Input on Potential Future Changes to Nationwide Permits/COE-2026-0001

Dear Mr. Forsgren:

The National Stone, Sand & Gravel Association (NSSGA), is pleased to submit these comments on the Army Corps of Engineers' (Corps)' request for input on potential future changes to nationwide permits (NWP). NSSGA continues to believe the size limits are too small and that aggregates should have its own permit, separate from other mining. NSSGA is also signing onto multi-industry comments and incorporates these by reference.

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 Clean Water Act (CWA) jurisdiction is critical to this industry, and NSSGA has provided input and comments on every major Waters of the US (WOTUS) action undertaken by the agencies. The scope and reach of CWA jurisdiction has 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 Expanded

NWP 44 (or a new aggregates-only permit) should be expanded from one-half acre of impacts to three acres of impacts or more. The Nationwide Permit program has been gradually reducing the impacts allowed under NWP44, while language from the administration and the agencies says that we should be promoting permit simplicity and economic development. Most wetland impacts of less than three acres, and stream impacts of less than 1,500 linear feet, will eventually be approved after at least a year of review by the agencies. Mining projects are typically hundreds of acres, and minor impacts are unavoidable. NWP44 should allow impacts to three acres of wetlands and 1500 feet of stream so that agencies can approve the permits expeditiously. Mitigation for these impacts will still be required, but critical projects will be underway faster.

Alternatively, as suggested by NSSGA comments on the proposed 2006 permit, use a sliding acreage cap based on project size or acreage three acres or more of affected wetlands 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; and
- (e) 500 Acres -- Three acres.

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

In summary, NSSGA suggests 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 may be reached at (703) 526-1064 or at ecoyner@nssga.org should you need any additional information.

Sincerely,



Emily W. Coyner
Senior Director, Environmental Policy

