



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

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**Action No. SWL-1992-10683**

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## **Little Rock District**

### **Nationwide Permits Reissuance Request for Comments**

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing nationwide permits (NWP) and issue one new NWP. One NWP is not proposed for reissuance.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. Many of the proposed NWPs require notification to the district engineer before commencing those activities, to ensure that the activities authorized by those NWPs cause no more than minimal individual and cumulative adverse environmental effects.

#### National Issues Concerning the Proposed NWPs:

The Federal Register notice is the public's opportunity to comment on the proposed NWPs, general conditions, and definitions. Comments on national issues relating to these NWPs should be submitted to docket number COE-2025-0002 at [www.regulations.gov](http://www.regulations.gov), or by email to [2026nationwidepermits@usace.army.mil](mailto:2026nationwidepermits@usace.army.mil) or by mail to U.S. Army Corps of Engineers, Attn: CECW-CO-R, 441 G Street NW, Washington, DC 20314-1000. Instructions for submitting comments are provided in the June 18, 2025 Federal Register notice. Comments on the proposed NWPs are due by July 18, 2025.

#### Regional Issues Concerning the Proposed NWPs, Including Regional Conditioning:

Division engineers are authorized to add regional conditions specific to a particular region or state's needs and/or requirements. Regional conditions are an important mechanism to help ensure that the adverse environmental effects of activities authorized by the NWPs are minimal, individually and cumulatively. Division engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., states or watersheds) or high-value aquatic systems where the adverse environmental effects caused by activities authorized by those NWPs may be more than minimal. An enclosure for this public notice (Enclosure A) lists the proposed regional conditions currently under consideration by The Little Rock District (SWL), which will act as the Lead District for the Corps of Engineers Districts (SWL, Memphis (MVM) and Vicksburg (MVK)) in the State of Arkansas. SWL is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help

ensure that the adverse environmental effects of activities authorized by the proposed NWP are no more than minimal, individually and cumulatively. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities in the State of Arkansas. The Little Rock District will receive written comments on the proposed work, as outlined above, until **August 4, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Gala at [Michael.R.Gala@usace.army.mil](mailto:Michael.R.Gala@usace.army.mil). Alternatively, you may submit comments in writing to Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867. Please refer to the permit application number in your comments. Similar public notices proposing regional conditions in other regions or states are being published concurrently by other division or district offices. After the final NWP is issued, the final regional conditions will be issued after they are approved by the Division Commander.

#### 401 Water Quality Certification and Coastal Zone Management Act:

States, tribes, and other certifying authorities will make their Clean Water Act Section 401 water quality certification (WQC) decisions after reviewing the proposed NWP. States will make their Coastal Zone Management Act (CZMA) consistency determination decisions after reviewing the proposed NWP.

#### Draft Decision Documents:

Draft decision documents for each of the proposed NWP, which include environmental documentation prepared for the purposes of the National Environmental Policy Act, have been written by Corps Headquarters. The decision documents will address compliance of the NWP with the requirements for issuance under the Corps' general permit authority. These draft decision documents, as well as the proposed NWP, are available for viewing at [www.regulations.gov](http://www.regulations.gov), docket number COE-2025-0002. Final decision documents will be prepared for the NWP that are issued.

Enclosed is a copy of the proposed NWP and conditions. They are also available through Corps Home Page at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>, at [www.regulations.gov](http://www.regulations.gov) in docket number COE-2025-0002, or at the following Federal Register address: <https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>.

#### Index of Proposed Nationwide Permits, General Conditions, and Definitions

##### ***Nationwide Permits***

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities

7. Outfall Structures and Associated Intake Structures
8. Oil and Gas Structures on the Outer Continental Shelf
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Oil or Natural Gas Pipeline Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water from Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil or Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs
25. Structural Discharges
26. [Reserved]
27. Aquatic Ecosystem Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Mariculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects

- 53. Removal of Low-Head Dams
- 54. Living Shorelines
- 55. Seaweed Mariculture Activities
- 56. [Reserved]
- 57. Electric Utility Line and Telecommunications Activities
- 58. Utility Line Activities for Water and Other Substances
- 59. Water Reclamation and Reuse Facilities
- A. Activities to Improve Passage of Fish and Other Aquatic Organisms

***Nationwide Permit General Conditions***

- 1. Navigation
- 2. Aquatic Life Movements
- 3. Spawning Areas
- 4. Migratory Bird Breeding Areas
- 5. Shellfish Beds
- 6. Suitable Material
- 7. Water Supply Intakes
- 8. Adverse Effects from Impoundments
- 9. Management of Water Flows
- 10. Fills Within 100-Year Floodplains
- 11. Equipment
- 12. Soil Erosion and Sediment Controls
- 13. Removal of Temporary Fills
- 14. Proper Maintenance
- 15. Single and Complete Project
- 16. Wild and Scenic Rivers
- 17. Tribal Rights
- 18. Endangered Species
- 19. Migratory Birds and Bald and Golden Eagles
- 20. Historic Properties
- 21. Discovery of Previously Unknown Remains and Artifacts
- 22. Designated Critical Resource Waters
- 23. Mitigation
- 24. Safety of Impoundment Structures
- 25. Water Quality
- 26. Coastal Zone Management
- 27. Regional and Case-by-Case Conditions
- 28. Use of Multiple Nationwide Permits
- 29. Transfer of Nationwide Permit Verifications
- 30. Compliance Certification
- 31. Activities Affecting Structures or Works Built by the United States
- 32. Pre-Construction Notification

***District Engineer's Decision***

***Further Information***

***Nationwide Permit Definitions***

Best management practices (BMPs)  
Compensatory mitigation  
Currently serviceable  
Direct effects  
Discharge  
Ecological reference  
Enhancement  
Establishment (creation)  
High Tide Line  
Historic property  
Independent utility  
Indirect effects  
Loss of waters of the United States  
Nature-based solutions  
Navigable waters  
Non-tidal wetland  
Open water  
Ordinary high water mark  
Perennial stream  
Practicable  
Pre-construction notification  
Preservation  
Re-establishment  
Rehabilitation  
Restoration  
Riffle and pool complex  
Riparian areas  
Shellfish seeding  
Single and complete linear project  
Single and complete non-linear project  
Stormwater management  
Stormwater management facilities  
Stream bed  
Stream channelization  
Structure  
Tidal wetland  
Tribal lands  
Tribal rights  
Vegetated shallows  
Waterbody

Enclosure A

**PROPOSED NATIONWIDE PERMIT  
REGIONAL CONDITIONS  
FOR THE STATE OF ARKANSAS**

**Regional Condition No. 1.** For Nationwide Permits (NWP) 7, 12, 57, and 58, intake structures shall be constructed with screening to prevent the entry of fish.

**Regional Condition No. 2.** For NWPs No. 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 30, 35, 36, 51, 57, and 58, and in the following listed waters, when federally jurisdictional, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 32 (Federal Register, Vol. 86, No. 8, FR 2744-2877)*.

- **Fens** - A peat-accumulating wetland that receives some drainage from surrounding mineral soil and usually supports marshlike vegetation.
- **Bogs** - A peat-accumulating wetland that has no major inflows or outflows and supports acidophilic mosses, particularly sphagnum.
- **Groundwater seeps** - Wetlands at the base of steep slopes where the groundwater surface intersects with the land surface.
- **Dune depressional wetlands** - Wetlands in shallow depressions that have no major outflows but receive runoff from the surrounding land, located between sandy ridges in northeast Arkansas and southeast Missouri. These wetlands often support pondberry (*Lindera melissifolia*), a federally listed endangered plant.
- **Cache River and adjacent wetlands** - From the mouth upstream to AR Highway 18 near Grubbs.

**Regional Condition No. 3.** NWP No. 44 cannot be used to authorize mining activities within areas of government-managed navigation systems on rivers designated as navigable under the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

**Regional Condition No. 4.** Federally listed threatened or endangered species exist throughout Arkansas. To comply with Nationwide Permit (NWP) General Condition No. 18, a notification must be submitted to the District Engineer when these species are present, as specified in General Condition No. 32 (Federal Register, Vol. 86, No. 8, FR 2744-2877). This notification ensures that the project has "no effect" on T&E species and minimal impact on the aquatic environment.

The Corps of Engineers will coordinate the application with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service. No NWP activity that "may affect" a listed species or critical habitat is authorized without completing a consultation under Section 7 of the Endangered Species Act (see NWP General Condition No. 18).

For a list of potential listed species at your project location, please visit:

<https://ipac.ecosphere.fws.gov/>.

**Regional Condition No. 5.** For Nationwide Permits (NWPs) that affect Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways as defined in APC&EC Rule 2, which pertains to the Water Quality Standards for Surface Waters of the State of Arkansas, the prospective permittee must provide written notification to the appropriate District. Impacts on these waters require an individual 401 water quality certification from the Arkansas Department of Energy & Environment. The application and application guide can be found at <https://www.adeq.state.ar.us/water/planning/instream/>. This notification should be directed to the District Engineer in accordance with General Condition No. 32 (Federal Register, Vol. 86, No. 8, FR 2744-2877).

**Regional Condition No. 6.** Suitable Material. In addition to the specific examples in General Condition No. 6 of the Nationwide Permits, the following materials are not suitable for fill activities in waters of the United States (WOTUS): garbage, tires, treated lumber products that do not comply with the Registration Documents issued by the U.S. Environmental Protection Agency (USEPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and that are not in accordance with standards issued by American Wood Protection Association of the International Code Council, liquid concrete not poured into forms, grouted riprap, bagged cement and sewage or organic waste.

- Broken concrete used as bank stabilization must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces to withstand expected high flows. Applicants must break all large slabs to conform to the well graded requirement. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume when using broken concrete as fill. All protruding reinforcement rods, trash, asphalt, and other extraneous materials must be removed from the broken concrete prior to placement in WOTUS.