



US Army Corps
of Engineers®
Little Rock District

SPECIAL PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: 2026 NWP Reissuance

Date: March 12, 2026

PUBLIC NOTICE FOR FEDERAL REGISTER NOTICE ANNOUNCING THE REISSUANCE OF THE NATIONWIDE PERMITS

On January 8, 2026, the U.S. Army Corps of Engineers (Corps) published a final rule in the *Federal Register* (91 FR 768) announcing the reissuance of 56 existing nationwide permits (NWP) and one new NWP, as well as the reissuance of NWP general conditions and definitions with some modifications. These 57 NWP will go into effect on March 15, 2026, and will expire on March 14, 2031:

- NWP 1 – Aids to Navigation
- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 12 – Oil or Natural Gas Pipeline Activities
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 15 – U.S. Coast Guard Approved Bridges
- NWP 16 – Return Water From Upland Contained Disposal Areas
- NWP 17 – Hydropower Projects
- NWP 18 – Minor Discharges
- NWP 19 – Minor Dredging
- NWP 20 – Response Operations for Oil or Hazardous Substances
- NWP 21 – Surface Coal Mining Activities
- NWP 22 – Removal of Vessels
- NWP 23 – Approved Categorical Exclusions
- NWP 24 – Indian Tribe or State Administered Section 404 Programs
- NWP 25 – Structural Discharges
- NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 28 – Modifications of Existing Marinas
- NWP 29 – Residential Developments
- NWP 30 – Moist Soil Management for Wildlife
- NWP 31 – Maintenance of Existing Flood Control Facilities

- NWP 32 – Completed Enforcement Actions
- NWP 33 – Temporary Construction, Access, and Dewatering
- NWP 34 – Cranberry Production Activities
- NWP 35 – Maintenance Dredging of Existing Basins
- NWP 36 – Boat Ramps
- NWP 37 – Emergency Watershed Protection and Rehabilitation
- NWP 38 – Cleanup of Hazardous and Toxic Waste
- NWP 39 – Commercial and Institutional Developments
- NWP 40 – Agricultural Activities
- NWP 41 – Reshaping Existing Drainage Ditches
- NWP 42 – Recreational Facilities
- NWP 43 – Stormwater Management Facilities
- NWP 44 – Mining Activities
- NWP 45 – Repair of Uplands Damaged by Discrete Events
- NWP 46 – Discharges in Ditches
- NWP 48 – Commercial Shellfish Mariculture Activities
- NWP 49 – Coal Remining Activities
- NWP 50 – Underground Coal Mining Activities
- NWP 51 – Land-Based Renewable Energy Generation Facilities
- NWP 52 – Water-Based Renewable Energy Generation Pilot Projects
- NWP 53 – Removal of Low-Head Dams
- NWP 54 – Living Shorelines
- NWP 55 – Seaweed Mariculture Activities
- NWP 57 – Electric Utility Line and Telecommunications Activities
- NWP 58 – Utility Line Activities for Water and Other Substances
- NWP 59 – Water Reclamation and Reuse Facilities
- NWP 60 – Activities to Improve Passage of Fish and Other Aquatic Organisms

The Corps has also issued final decision documents for the new and reissued NWPs. These final decision documents are available at www.regulations.gov at docket number COE-2025-0002. Furthermore, the national NWP decision documents have been supplemented by Division Engineers to address decisions concerning the addition of Regional General Conditions (RGC) to the NWPs.

With the publication of this notice, the Corps Southwestern Division Engineer has finalized the Corps Regional General Conditions (RGC) and Water Quality Certifications (WQC) issued by the State of Arkansas for these 57 NWPs. These RGCs and WQCs are designed to provide additional protection for the aquatic environment and ensure that the NWPs authorize only those activities that have no more than minimal adverse environmental effects. The RGCs and WQCs will also help protect high-value waters within the Little Rock, Memphis, and Vicksburg Districts within the State of Arkansas.

The January 8, 2026, *Federal Register* notice is available for viewing at <https://www.federalregister.gov/documents/2026/01/08/2026-00121/reissuance-and-modification-of-nationwide-permits>

As an alternative, interested parties can access the January 8, 2026, final rule and related documents at: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/>

Enclosures:

Arkansas Regional Conditions

Arkansas Water Quality Certification

2026 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 8 CAR pt. 21(formerly 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.adeg.state.ar.us/infosvs/website/apps.aspx>. 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).



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

December 16, 2025

Colonel Patrick W. Caukin, District Commander
Little Rock District Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867
(Patrick.W.Caukin@usace.army.mil)

RE: Clean Water Act (CWA) § 401 Water Quality Certifications
Re-issuance of CWA § 404 Dredge and Fill Nationwide Permits

Dear Colonel Caukin,

The Division of Environmental Quality (DEQ) has completed the review of the CWA § 404 Dredge and Fill Nationwide Permits (NWP) that were published in the Federal Register June 18, 2025. DEQ has determined that there is a reasonable assurance that the projects implemented under these NWPs will be conducted in a manner which, according to 8 CAR pt. 21 (Code of Arkansas Rules) (formerly Rule 2 - Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas), will comply with applicable water quality requirements.

Pursuant to CWA § 401, DEQ hereby issues a water quality certification for the NWPs listed in Attachment 1. This certification is based on the requirements, general conditions, and CWA compliance laws, and other pertinent conditions applicable to each NWP that were published in the Federal Register, June 18, 2025, and any revisions to those permits prior to the issuance of this letter. In addition, the following State of Arkansas conditions are also applicable:

- 1) An individual water quality certification request must be submitted to DEQ for activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural and Scenic Waterways, as identified in 8 CAR pt. 21. To determine compliance with Arkansas Water Quality Standards, as set forth in 8 CAR pt. 21, projects covered under NWPs which may impact these waters shall be reviewed by DEQ.
- 2) In accordance with 8 CAR § 21-305, the applicant shall obtain a Short-Term Activity Authorization (STAA) when performing work in Waters of the State, as defined in Arkansas Code Annotated § 8-4-102, which might cause a violation of the Arkansas Water Quality Standards. Activities approved under a STAA are subject to the provisions that no permanent or long-term impairment of beneficial uses is likely to result from such activity. More information can be obtained by visiting <https://www.adeq.state.ar.us/water/planning/> or <https://seek.ee.arkansas.gov>.
- 3) The applicant shall implement all practicable best management practices (BMPs) and provide and maintain natural buffers with native vegetation, except where unfeasible or unavailable, to avoid excessive impacts of pollutants to waters of the state, 40 C.F.R. § 122.26(c).

- 4) The applicant shall take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In an unlikely event such spillage or leakage occurs, the applicant must contact DEQ immediately at (501) 682-0744 to report the incident.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.
- 6) If the construction will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in 8 CAR § 25-203 for stormwater discharge associated with a small construction site, as defined in 8 CAR pt. 25. If the construction disturbs five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit, Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size of the disturbance. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 683-0962.
- 7) To the extent practicable, the project construction activities shall include BMPs selected to preserve the existing native species and include re-planting and re-establishment of native riparian vegetative features if disturbed.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.

If you have any questions, please contact the Office of Water Quality of DEQ at (501) 682-0744.

Sincerely,



Joe Martin
Associate Director, Office of Water Quality

cc: Sarah Chitwood, Regulatory Division Chief USACE
Mike Gala, USACE Project Manager
Daniel Bagby, EPA
Chris Davidson, USFWS
Jennifer Sheehan, AGFC

Attachment 1: 2025 Nationwide Permits

Nationwide Permit Identifier	Name
NWP - 1	Aids to Navigation
NWP - 2	Structures in Artificial Canals
NWP - 3	Maintenance
NWP - 4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
NWP - 5	Scientific Measuring Devices
NWP - 6	Survey Activities
NWP - 7	Outfall Structures and Associated Intake Structures
NWP - 8	Oil and Gas Structures on the Outer Continental Shelf
NWP - 9	Structures in Fleeting and Anchorage Areas
NWP - 10	Mooring Buoys
NWP - 11	Temporary Recreational Structures
NWP - 12	Oil and Natural Gas Pipeline Activities
NWP - 13	Bank Stabilization
NWP - 14	Linear Transportation Projects
NWP - 15	U.S. Coast Guard Approved Bridges
NWP - 16	Return Water From Upland Contained Disposal Areas
NWP - 17	Hydropower Projects
NWP - 18	Minor Discharges
NWP - 19	Minor Dredging
NWP - 20	Response Operations for Oil or Hazardous Substances
NWP - 21	Surface Coal Mining Activities
NWP - 22	Removal of Vessels
NWP - 23	Approved Categorical Exclusions
NWP - 24	Indian Tribe or State Administered Section 404 Program
NWP - 25	Structural Discharges
NWP - 27	Aquatic Habitat Restoration, Enhancement, and Establishment Activities
NWP - 28	Modification of Existing Marinas
NWP - 29	Residential Developments
NWP - 30	Moist Soil Management for Wildlife
NWP - 31	Maintenance of Existing Flood Control Facilities
NWP - 32	Completed Enforcement Actions
NWP - 33	Temporary Construction, Access, and Dewatering
NWP - 34	Cranberry Production Activities
NWP - 35	Maintenance Dredging and Existing Basins
NWP - 36	Boat Ramps
NWP - 37	Emergency Watershed Protection and Rehabilitation
NWP - 38	Cleanup of Hazardous and Toxic Waste
NWP - 39	Commercial and Institutional Developments
NWP - 40	Agriculture Activities
NWP - 41	Reshaping Existing Drainage and Irrigation Ditches
NWP - 42	Recreational Facilities
NWP - 43	Stormwater Management Facilities
NWP - 44	Mining Activities
NWP - 45	Repair of Uplands Damaged by Discrete Events
NWP - 46	Discharges in Ditches
NWP - 48	Commercial Shellfish Mariculture Activities
NWP - 49	Coal Remining Activities
NWP - 50	Underground Coal Mining Activities
NWP - 51	Land-Based Renewal Energy Generation Facilities
NWP - 52	Water-Based Renewable Energy Generation Pilot Projects
NWP - 53	Removal of Low-Head Dams

Nationwide Permit Identifier	Name
NWP – 54	Living Shorelines
NWP – 55	Seaweed Mariculture Activities
NWP – 57	Electric Utility Line and Telecommunications Activities
NWP – 58	Utility Line Activities for Water and Other Substances
NWP - 59	Water Reclamation and Reuse Facilities
NWP - 60	Activities to Improve Passage of Fish and Other Aquatic Organisms