

**FINAL  
NATIONWIDE PERMIT REGIONAL CONDITIONS  
IN ARKANSAS**

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

**Regional Condition 2.** For NWP 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 29, 30, 35, 36, 39, 40, 42, and 43 in the following listed waters, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 27 (Federal Register, Vol. 71, No. 186, FR 56296-56297)*:

- **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 significant 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 significant 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.** Mining activities in navigable waters designated by the Corps of Engineers within the State of Arkansas shall require an individual Department of the Army permit or authorization by a regional general permit. These activities will not be authorized by NWP 44.

**Regional Condition No. 4.** For NWP 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 27, 29, 30, 35, 36, 39, 40, 41, 42, 43, and 44 in the waters listed below, the prospective permittee shall provide written notification to the appropriate District. Notification will be to the District Engineer according to *General Condition No. 27 (Federal Register, Vol. 71, No. 186, FR 56296-56297)*. This notification shall be used to review the project for federally listed threatened or endangered species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with the Arkansas Department of Environmental Quality and other agencies as appropriate. This condition doesn't lessen the restrictions provided by General Condition 17 of the NWPs.

**ALUM FORK SALINE RIVER - SALINE COUNTY**  
SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powellii* -LT)

**ARCHEY FORK LITTLE RED - VAN BUREN**

SPECIES OF CONCERN: YELLOWCHEEK DARTER (*Etheostoma moorei* – C), Speckled Pocketbook (*Lampsilis streckeri* – LE)

**ARKANSAS RIVER - IN THE FOLLOWING COUNTIES**

CONWAY	PERRY
CRAWFORD	POPE
DESHA	PULASKI
FAULKNER	SEBASTIAN
JOHNSON	YELL
LOGAN	

SPECIES OF CONCERN: IVORY-BILLED WOODPECKER (*Campephilus principalis* – LE), INTERIOR LEAST TERN (*Sterna antillarum athalassos* - LE), ARKANSAS RIVER SHINER (*Notropis girardi* -PE, OF HISTORIC OCCURRENCE), PALLID STURGEON (*Scaphirhynchus albus* – LE)

**BAR LAKE - DESHA COUNTY**

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* –LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**BAYOU DEVIEW AND ADJACENT WETLANDS FROM THE MOUTH UPSTREAM TO US HIGHWAY 64 NEAR MORTON - MONROE AND WOODRUFF COUNTIES**

SPECIES OF CONCERN: SEVERAL SPECIES OF MUSSELS, IVORY-BILLED WOODPECKER (*Campephilus principalis* – LE), BALD EAGLE (*Haliaeetus leucocephalus* – LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**BEAR LAKE - ARKANSAS AND PHILLIPS COUNTIES**

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**BEECH FORK LITTLE RED – CLEBURNE AND STONE COUNTIES**

SPECIES OF CONCERN: YELLOWCHEEK DARTER (*Etheostoma moorei* - C), SPECKLED POCKETBOOK (*Lampsilis streckeri* – LE)

**BIG CREEK – CLEBURNE AND WHITE COUNTIES**

SPECIES OF CONCERN: SPECKLED POCKETBOOK (*Lampsilis streckeri* – LE)

**BIG LAKE - MISSISSIPPI COUNTY**

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**BILLY MOORE LAKE – DESHA COUNTY**

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* – LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**BLACK RIVER - CLAY, LAWRENCE, AND RANDOLPH COUNTIES**

SPECIES OF CONCERN: PINK MUCKET (*Lampsilis abrupta* -LE), OZARK HELLBENDER (*Cryptobranchus alleganiensis bishopi* – C)

**BUFFALO CREEK - POLK COUNTY**

SPECIES OF CONCERN: LEOPARD DARTER (*Percina pantherina*-LT)

**CACHE RIVER AND ADJACENT WETLANDS from the mouth upstream to AR Highway 64 – MONROE AND WOODRUFF COUNTIES**

SPECIES OF CONCERN: SEVERAL SPECIES OF MUSSELS, IVORY-BILLED WOODPECKER (*Campephilus principalis* – LE), BALD EAGLE (*Haliaeetus leucocephalus* – LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**CADDO RIVER** - CLARK, MONTGOMERY AND PIKE

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powelii* -LT)

**CLABBER CREEK** – WASHINGTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**COSSATOT RIVER** - HOWARD AND SEVIER COUNTIES

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* -LE), LEOPARD DARTER (*Percina pantherina*-LT)

**CURRENT RIVER** - CLAY AND RANDOLPH COUNTIES

SPECIES OF CONCERN: PINK MUCKET (*Lampsilis abrupta* -LE), OZARK HELLBENDER (*Cryptobranchus alleganiensis bishopi* – C)

**DEVILS FORK LITTLE RED RIVER** – CLEBURNE COUNTY

SPECIES OF CONCERN: YELLOWCHEEK DARTER (*Etheostoma moorei* – C), SPECKLED POCKETBOOK (*Lampsilis streckeri* – LE)

**EAGLE NEST LAKE** - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**ELEVEN POINT RIVER** – RANDOLPH COUNTY

SPECIES OF CONCERN: OZARK HELLBENDER (*Cryptobranchus alleganiensis bishopi* – C)

**FIDDLER’S CREEK** - MONTGOMERY COUNTY

SPECIES OF CONCERN: HARPERELLA (*Ptilimnium nodosum* -LE)

**FOURCHE LAFAVE RIVER** - SCOTT COUNTY

SPECIES OF CONCERN: HARPERELLA (*Ptilimnium nodosum* -LE)

**FROG BAYOU** – CRAWFORD COUNTY

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* – PE)

**GAILEY HOLLOW** – BENTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**GREERS FERRY LAKE** - VAN BUREN AND CLEBURNE COUNTIES

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**HEALING SPRING** – WASHINGTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**HORSESHOE LAKE** - MONROE COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**ILLINOIS RIVER** – BENTON AND WASHINGTON COUNTIES

SPECIES OF CONCERN: NEOSHO MUCKET (*Lampsilis rafinesqueana* – C)

**IRONS FORK** - MONTGOMERY AND YELL COUNTIES  
SPECIES OF CONCERN: HARPERELLA (*Ptilimnium nodosum* -LE)

**JACOBS LAKE/PECAN LAKE** - ARKANSAS COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**LAKE ASHBAUGH** - GREENE COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**LAKE ERLING** - LAFAYETTE COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**LAKE GEORGIA PACIFIC** - ASHLEY COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**LAKE MAUMELLE** - PULASKI COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**LAKE OUACHITA** - GARLAND COUNTY  
SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**L'ANGUILLE RIVER** - LEE COUNTY  
SPECIES OF CONCERN: FAT POCKETBOOK (*Potamilus capax* - LE)

**LITTLE BAY DITCH** - CRAIGHEAD COUNTY  
SPECIES OF CONCERN: FAT POCKETBOOK (*Potamilus capax* - LE)

**LITTLE MISSOURI RIVER** - CLARK AND OUACHITA COUNTIES  
SPECIES OF CONCERN: WINGED MAPLELEAF (*Quadrula fragosa* - LE), PINK MUCKET (*Lampsilis abrupta* - LE)

**LITTLE RED RIVER** - STONE AND VAN BURN COUNTIES  
SPECIES OF CONCERN: SPECKLED POCKETBOOK (*Lampsilis streckeri* -LE), YELLOWCHEEK DARTER (*Etheostoma moorei* - C)

**LITTLE RIVER** - LITTLE RIVER AND SEVIER COUNTIES  
SPECIES OF CONCERN: OUACHITA ROCK-POCKETBOOK (*Arkansia wheeleri* -LE), PINK MUCKET (*Lampsilis abrupta* -LE)

**MIDDLE FORK SALINE RIVER** - SALINE COUNTY  
SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powelii* -LT)

**MIDDLE FORK LITTLE RED RIVER** - STONE AND VAN BUREN COUNTIES  
SPECIES OF CONCERN: SPECKLED POCKETBOOK (*Lampsilis streckeri* -LE), YELLOWCHEEK DARTER (*Etheostoma moorei* - C)

**MILLWOOD LAKE** - LITTLE RIVER COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**MISSISSIPPI RIVER** - CHICOT, CRITTENDEN, DESHA, LEE, MISSISSIPPI, AND PHILLIPS COUNTIES

SPECIES OF CONCERN: INTERIOR LEAST TERN (*Sterna antillarum athalassos* -LE), PALLID STURGEON (*Scaphirhynchus albus* -LE), FAT POCKETBOOK (*Potamilus capax* – LE), STURGEON CHUB (*Hybopsis gelida* – C), SICKLEFIN CHUB (*Hybopsis meeki* – C)

**MOON LAKE** - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* - LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**MOORE BAYOU** - ARKANSAS COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**MOUNTAIN FORK RIVER** - POLK COUNTY

SPECIES OF CONCERN: LEOPARD DARTER (*Percina pantherina* - LT)

**MUDDY CREEK** - MONTGOMERY COUNTY

SPECIES OF CONCERN: HARPERELLA (*Ptilimnium nodosum* -LE)

**MULBERRY RIVER** – FRANKLIN COUNTY

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* – LE), SPECTACLECASE (*Cumberlandia monodonta* – C)

**MYATT CREEK** – FULTON COUNTY

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* – LE)

**NORTH FORK OUACHITA RIVER** - GARLAND COUNTY

SPECIES OF CONCERN: HARPERELLA (*Ptilimnium nodosum* -LE)

**NORTH FORK SALINE RIVER** - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powelii* -LT)

**NORTH FORK WHITE RIVER** - BAXTER COUNTY FROM THE CONFLUENCE WITH THE WHITE RIVER UPSTREAM TO ARKANSAS MISSOURI STATE LINE

SPECIES OF CONCERN: PINK MUCKET (*Lampsilis abrupta* -LE), BALD EAGLE (*Haliaeetus leucocephalus* – LT), OZARK HELLBENDER (*Cryptobranchus alleganiensis bishopi* – C)

**OSAGE CREEK** - BENTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* - C)

**OUACHITA RIVER** - CALHOUN, CLARK, HOT SPRING, MONTGOMERY, OUACHITA, POLK COUNTIES

SPECIES OF CONCERN: OUACHITA ROCK-POCKETBOOK (*Arkansia wheeleri* -LE), PINK MUCKET (*Lampsilis abrupta* -LE), ARKANSAS FAT MUCKET (*Lampsilis powelii* -LT), SCALESHELL (*Leptodea leptodon* -PE), WINGED MAPLELEAF (*Quadrula fragosa* -LE), SPECTACLECASE (*Cumberlandia monodonta* – C)

**PALMER HOLLOW** – BENTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**POFF BRAKE** - DREW COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* - LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**RED RIVER** - LAFAYETTE, LITTLE RIVER, AND MILLER COUNTIES

SPECIES OF CONCERN: INTERIOR LEAST TERN (*Sterna antillarum athalassos* - LE)

**ROBINSON CREEK** - POLK AND SEVIER COUNTIES

SPECIES OF CONCERN: LEOPARD DARTER (*Percina pantherina*- LT)

**SALINE RIVER** - ASHLEY, BRADLEY, GRANT, HOWARD AND SALINE COUNTIES

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powellii* -LT), PINK MUCKET (*Lampsilis abrupta* -LE), SCALESHELL (*Leptodea leptodon* - LE), WINGED MAPLELEAF (*Quadrula fragosa* - LE)

**SOUTH FORK LITTLE RED** – VAN BUREN COUNTY

SPECIES OF COCERN: YELLOWCHEEK DARTER (*Etheostoma moorei* – C), SPECKLED POCKETBOOK (*Lampsilis streckeri* – LE)

**SOUTH FORK OUACHITA RIVER** - MONTGOMERY COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powellii* -LT)

**SOUTH FORK SALINE RIVER** - SALINE COUNTY

SPECIES OF CONCERN: ARKANSAS FAT MUCKET (*Lampsilis powellii* -LT)

**SOUTH FORK SPRING RIVER** - FULTON COUNTY

SPECIES OF CONCERN: CURTIS PEARLY MUSSEL (*Epioblasma florentia curtisi* -LE), SCALESHELL (*Leptodea leptodon* -PE)

**SOUTH FOURCHE LAFAVE** – PERRY COUNTY

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* – LE)

**SPRING RIVER** - FULTON, LAWRENCE, RANDOLPH AND SHARP COUNTIES

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE), CURTIS PEARLY MUSSEL (*Epioblasma florentia curtisi* - LE), TURGID BLOSSUM (*Epioblasma turgidula* -LE, HISTORIC OCCURRENCE), PINK MUCKET (*Lampsilis abrupta* -LE), OZARK HELLBENDER (*Cryptobranchus alleganrensis bishopi* - C)

**ST. FRANCIS RIVER SYSTEM AND ASSOCIATED DITCHES** - CROSS, LEE, POINSETT AND ST. FRANCIS COUNTIES

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* - LE), FAT POCKETBOOK (*Potamilus capax* - LE), PALLID STURGEON (*Scaphirhynchus albus* - LE)

**STRAWBERRY RIVER** – LAWRENCE COUNTY

SPECIES OF CONCERN: SCALESHELL (*Leptodea leptodon* – LE)

**SWAN LAKE** - DESHA COUNTY

SPECIES OF CONCERN: BALD EAGLE (*Haliaeetus leucocephalus* -LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE)

**TURKEY CREEK** – STONE COUNTY

SPECIES OF CONCERN: YELLOWCHEEK DARTER (*Etheostoma mooreii* – C), SPECKLED POCKETBOOK (*Lampsilis streckeri* – LE)

**WHITE RIVER** - ARKANSAS, BAXTER, CARROLL, DESHA, INDEPENDENCE, JACKSON, JEFFERSON, LINCOLN, MARION, MONROE, PHILIPS, PRAIRIE, WHITE AND WOODRUFF COUNTIES

SPECIES OF CONCERN: IVORY BILLED WOODPECKER (*Campephilus principalis* – LE), PINK MUCKET (*Lampsilis abrupta* -LE), SCALESHELL (*Leptodea leptodon* -PE), BALD EAGLE (*Haliaeetus leucocephalus* –LT, PROPOSED FOR DELISTING, NESTING OCCURRENCE), PALLID STURGEON (*Scaphirhynchus albus* – LE), OZARK HELLBENDER (*Cryptobranchus alleganiensis bishopi* – C), PADDLEFISH (C), FAT POCKETBOOK (*Potamilus capax* - LE)

**WILDCAT CREEK** – WASHINGTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**WILSON SPRINGS** – WASHINGTON COUNTY

SPECIES OF CONCERN: ARKANSAS DARTER (*Etheostoma cragini* – C)

**IN ADDITION TO THE ABOVE WATERBODIES, THE FOLLOWING FEDERAL CONCERN SPECIES ARE KNOWN TO OCCUR IN VARIOUS WETLAND AREAS, OR CAVE STREAMS:**

PONDBERRY (LINDERA MELISSIFOLIA - LE)

ASHLEY

CLAY

JACKSON

LAWRENCE

WOODRUFF

CRAIGHEAD

OZARK CAVEFISH (AMBLYOPSIS ROSAE - LE)

BENTON

CAVE CRAYFISH (CAMBARUS ACULABRUM - LE)

BENTON

CAVE CRAYFISH (CAMBARUS ZOPHONASTES -LE)

STONE

Legend:

C = Candidate species. The U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species for listing as endangered or threatened under the Endangered Species Act.

LE = Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

PE = Proposed Endangered; the U.S. Fish and Wildlife Service has proposed these species for listing as endangered.

# ADEQ

ARKANSAS  
Department of Environmental Quality

March 13, 2007



Colonel Wally Z. Walters, District Engineer  
Little Rock District Corps of Engineers  
P. O. Box 867  
Little Rock, Arkansas 72203-0867

## RE: Public Notice: Re-issuance of Nationwide Permits

Dear Colonel Walters:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits for the State of Arkansas.

ADEQ has determined there is a reasonable assurance that activities covered under these Nationwide Permits will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for the **Re-issuance of Nationwide Permits** as it applies to the waters within the state of Arkansas contingent upon the following conditions:

- 1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2..
- 2) Applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 3) Applicant shall comply with NPDES Stormwater Program requirements.

Sincerely,

A handwritten signature in black ink that reads "Teresa Marks".

Teresa Marks  
Director

cc: Wanda Boyd, Region VI, Environmental Protection Agency  
Bradley Myers, Project Manager, Little Rock District COE