



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