

**DEPARTMENT OF THE ARMY  
Little Rock District  
Corps of Engineers  
Post Office Box 867  
Little Rock, Arkansas 72203-0867**

**FINAL  
NATIONWIDE PERMIT REGIONAL CONDITIONS  
IN ARKANSAS**

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

**Regional Condition No. 2.** For NWPs 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 29, 30, 35, 36, 39, 40, 42, 43, 51, 52, and 53 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. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008)*.

- **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.** For NWPs 4, 5, 12, 13, 14, 15, 18, 19, 20, 23, 25, 27, 29, 30, 35, 36, 39, 40, 41, 42, 43, 44, 51, 52, and 53 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. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008)*. This notification shall be used to review the project to ensure that the proposed project will have "no effect" on federally listed threatened or endangered (T&E) species and to determine if the project would have a minimal impact on the aquatic environment. The application will be coordinated with

the U.S. Fish and Wildlife Service and other agencies as determined appropriate by the Corps of Engineers. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed (refer to NWP General Condition No. 18). The list of waters may be revised periodically in the case of future updates to the status of T&E species.

**In addition to the waterbodies listed below, the following federal concern species are known to occur in various wetland areas, or cave streams:**

Ashley, Clay, Jackson, Lawrence, Woodruff, and Craighead Counties; Species: *Lindera melissifolia*, Pondberry - LE

Benton County; Species: *Amblyopsis rosae*, Ozark Cavefish - LE

Benton and Stone Counties; Species: *Cambarus aculabrum*, Cave Crayfish - LE

**Alum Fork Saline River** - Saline County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Antoine River** - Clark and Pike Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Archey Creek** - Pope and Van Buren Counties – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook - LE

**Arkansas River** - Arkansas, Conway, Crawford, Desha, Faulkner, Franklin, Jefferson, Johnson, Lincoln, Logan, Perry, Pope, Pulaski, Sebastian, and Yell Counties – Species: *Scaphirhynchus albus*, pallid sturgeon - LE, *Sternula antillarum athalassos*, Interior Least Tern - LE

**Beech Creek** - Cleburne and Stone Counties – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook - LE

**Big Brushy Creek** - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE

**Big Creek** - Cleburne, Independence, and White Counties – Species: *Lampsilis streckeri*, Speckled Pocketbook - LE

**Black River** - Clay, Lawrence, and Randolph Counties – Species: *Epioblasma triquetra*, Snuffbox - LE, *Lampsilis abrupta*, Pink Mucket - LE, *Leptodea leptodon*, Scaleshell - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Brush Creek** - Perry and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Buffalo Creek** - Polk County – Species: *Percina pantherina*, leopard darter - LT

**Buffalo River** - Baxter, Marion, Newton, and Searcy Counties – Species: *Epioblasma triquetra*, Snuffbox - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Caddo River Above DeGray Lake** - Clark, Montgomery, and Pike Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Caddo River Below DeGray Lake** - Clark County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Clear Fork** - Scott County – Species: *Ptilimnium nodosum*, harperella - LE

**Cossatot River Above Gillham Lake** - Howard and Polk Counties – Species: *Percina pantherina*, leopard darter - LT

**Cossatot River Below Gillham Lake** - Howard and Sevier Counties – Species: *Leptodea leptodon*, Scaleshell – LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT, *Quadrula fragosa*, Winged Mapleleaf - LE

**Current River** - Clay and Randolph Counties – Species: *Lampsilis abrupta*, Pink Mucket - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Devils Fork Little Red River** - Cleburne County – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook - LE

**Dry Fork Fourche LaFave River** - Perry and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Eleven Point River** - Randolph County – Species: *Cryptobranchus alleganiensis bishopi*, Ozark Hellbender - LE, *Lampsilis abrupta*, Pink Mucket - LE

**Fiddlers Creek** - Montgomery and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Fourche LaFave River** - Perry, Scott, and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Frog Bayou** - Crawford County – Species: *Leptodea leptodon*, Scaleshell - LE

**Illinois River** - Benton, Washington Counties – Species: *Lampsilis rafinesqueana*, Neosho Mucket - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Irons Fork** - Polk County – Species: *Ptilimnium nodosum*, harperella - LE

**Irons Fork Ouachita River** - Garland, Montgomery, and Yell Counties – Species: *Ptilimnium nodosum*, harperella - LE

**Kings River** - Carroll and Madison Counties – Species: *Epioblasma triquetra*, Snuffbox - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**L' Anguille River** - Lee and St. Francis Counties: - Species: *Potamilus capax*, Fat Pocketbook - LE

**Left Hand Chute Little River** - Mississippi and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**Lewis Creek** - Polk County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Little Brushy Creek** - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE

**Little Missouri River below Lake Greeson** - Clark, Hempstead, Nevada, Ouachita, and Pike Counties – Species: *Lampsilis abrupta*, Pink Mucket - LE *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT *Quadrula fragosa*, Winged Mapleleaf - LE

**Little River Above Millwood Lake** - Little River and Sevier Counties – Species: *Arcidens wheeleri*, Ouachita Rock Pocketbook – LE *Lampsilis abrupta*, Pink Mucket - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Little River Below Millwood Lake** - Hempstead and Little River Counties – Species: *Arcidens wheeleri*, Ouachita Rock Pocketbook - LE

**Middle Fork Little Red River** - Cleburne, Searcy, Stone, and Van Buren Counties – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook, LE *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Middle Fork Saline River** - Garland, Perry, and Saline Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Mississippi River** - Chicot, Crittenden, Desha, Lee, Mississippi, and Phillips Counties – Species: *Potamilus capax*, Fat Pocketbook - LE, *Scaphirhynchus albus*, pallid sturgeon - LE, *Sternula antillarum athalassos*, Interior Least Tern - LE

**Mountain Fork River** - Polk County – Species: *Percina pantherina*, leopard darter - LT

**Muddy Creek** - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE

**Muddy Fork Illinois River** - Washington County – Species: *Lampsilis rafinesqueana*, Neosho Mucket - LE

**Myatt Creek** - Fulton County – Species: *Leptodea leptodon*, Scaleshell - LE

**North Fork Creek** - Garland County – Species: *Ptilimnium nodosum*, harperella - LE

**North Fork Ouachita River** - Montgomery County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**North Fork Saline River** - Perry and Saline Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**Ouachita River, Lower** - Bradley, Calhoun, Clark, Dallas, Hot Spring, Ouachita, and Union Counties – Species: *Arcidens wheeleri*, Ouachita Rock Pocketbook - LE, *Cumberlandia monodonta*, Spectaclecase - LE, *Lampsilis abrupta*, Pink Mucket - LE, *Lampsilis powellii*, Arkansas Fatmucket - LT, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT, *Quadrula fragosa*, Winged Mapleleaf - LE

**Ouachita River, Upper** - Montgomery and Polk Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Rainy Creek** - Montgomery County – Species: *Ptilimnium nodosum*, harperella - LE

**Red River** - Hempstead, Lafayette, Little River and Miller Counties – Species: *Sternula antillarum athalassos*, Interior Least Tern - LE

**Right Hand Chute Little River & Ditches** - Craighead, Mississippi, and Poinsett Counties – Species: *Leptodea leptodon*, Scaleshell - LE, *Potamilus capax*, Fat Pocketbook - LE

**Robinson Creek** - Polk and Sevier Counties – Species: *Percina pantherina*, leopard darter - LT

**Rolling Fork Below DeQueen Reservoir** - Sevier County – Species: *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Saline River** - Ashley, Bradley, Cleveland, Dallas, Drew, Grant and Saline Counties – Species: *Lampsilis abrupta*, Pink Mucket - LE, *Lampsilis powellii*, Arkansas Fatmucket - LT, *Leptodea leptodon*, Scaleshell - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT, *Quadrula fragosa*, Winged Mapleleaf - LE

**Saline River Below Dierks Reservoir** - Howard and Sevier Counties – Species: *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**South Fork Little Red River** - Van Buren County – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook - LE

**South Fork Ouachita River** - Montgomery County – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**South Fork Saline River** - Garland and Saline Counties – Species: *Lampsilis powellii*, Arkansas Fatmucket - LT

**South Fork Spring River** - Fulton and Sharp Counties – Species: *Epioblasma florentina curtisii*, Curtis Pearlymussel - LE, *Leptodea leptodon*, Scaleshell – LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**South Fourche LaFave River** - Perry and Yell Counties – Species: *Leptodea leptodon*, Scaleshell - LE, *Ptilimnium nodosum*, harperella - LE

**Spring River** - Fulton, Lawrence, Randolph, and Sharp Counties – Species: *Cryptobranchus alleganiensis bishopi*, Ozark Hellbender - LE, *Epioblasma florentina curtisii*, Curtis Pearlymussel - LE, *Epioblasma triquetra*, Snuffbox - LE, *Lampsilis abrupta*, Pink Mucket - LE, *Leptodea leptodon*, Scaleshell - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**St. Francis River** - Clay, Craighead, Crittenden, Cross, Greene, Lee, Phillips, Poinsett, and St. Francis Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Clark Corner Cutoff** - St. Francis County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Cross County Ditch** - Cross County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Ditch No 10** - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Ditch No 123** - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Ditch No 60** - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Ditch No 61** - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Ditch No 9** - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Iron Mines Creek** - Poinsett County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Little Bay Ditch** - Craighead and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Little Slough Ditch** - Craighead County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, St. Francis Bay** - Cross County – Species: *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, St. Francis Floodway** - Lee and St. Francis Counties – Species: *Leptodea leptodon*, Scaleshell - LE, *Potamilus capax*, Fat Pocketbook - LE

**St. Francis River, Straight Slough** - Cross and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**Strawberry River** - Fulton, Independence, Izard, Lawrence, and Sharp Counties – Species: *Epioblasma triquetra*, Snuffbox – LE, *Leptodea leptodon*, Scaleshell - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**Turkey Creek** - Stone County – Species: *Etheostoma moorei*, yellowcheek darter - LE, *Lampsilis streckeri*, Speckled Pocketbook - LE

**Tyronza River** - Crittenden, Cross, Mississippi, and Poinsett Counties – Species: *Potamilus capax*, Fat Pocketbook - LE

**War Eagle Creek** - Benton, Madison and Washington Counties – Species: *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

**White River** - Arkansas, Baxter, Desha, Independence, Izard, Jackson, Marion, Monroe, Phillips, Prairie, Stone, White, and Woodruff Counties – Species: *Cryptobranchus alleganiensis bishopi*, Ozark Hellbender - LE, *Epioblasma triquetra*, Snuffbox - LE, *Lampsilis abrupta*, Pink Mucket - LE, *Leptodea leptodon*, Scaleshell - LE, *Potamilus capax*, Fat Pocketbook - LE, *Quadrula cylindrica cylindrica*, Rabbitsfoot - LT

Legend:

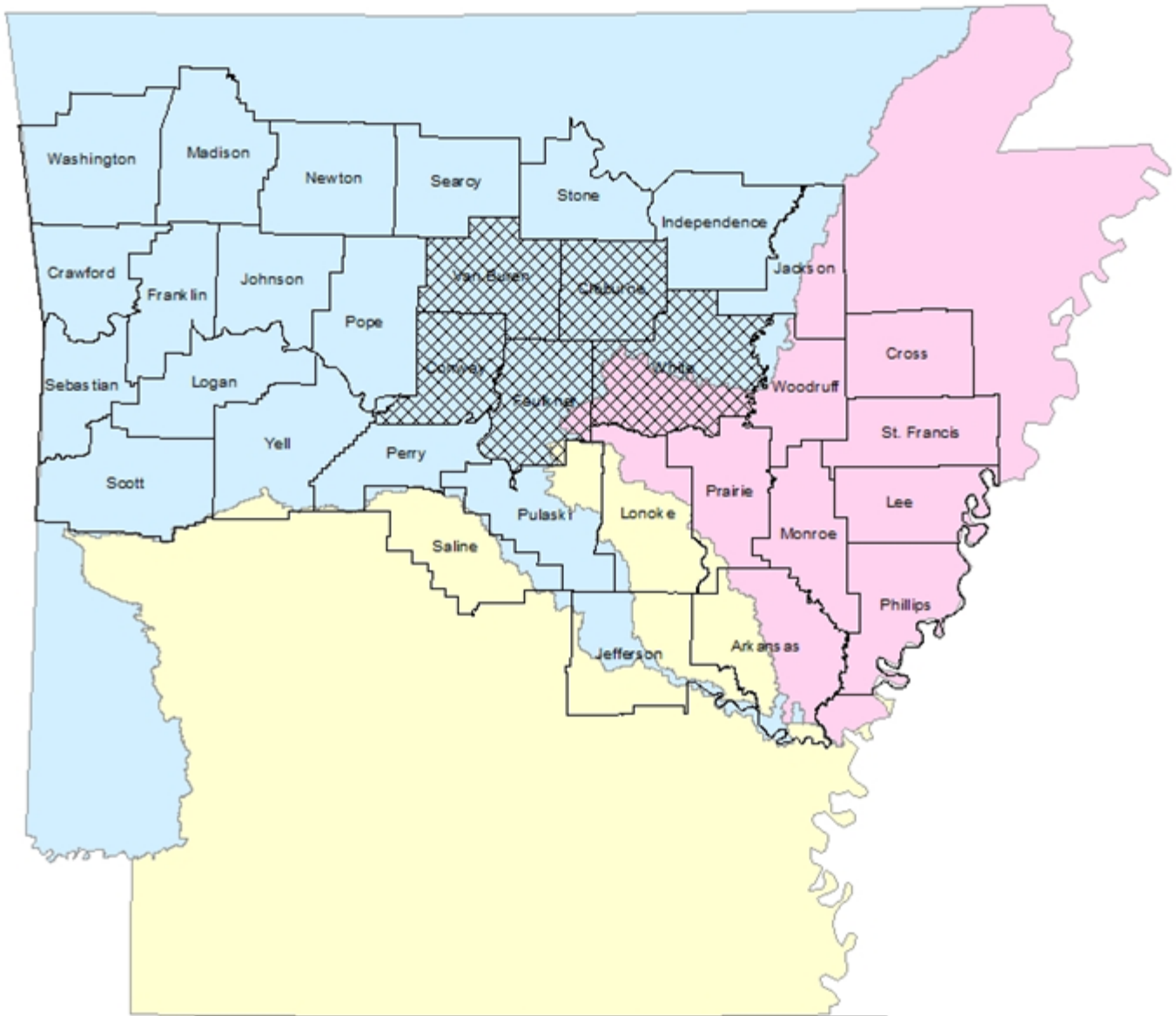
LE - Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

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

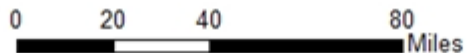
**Regional Condition No. 5.** For NWPs 6, 12, 14, and 18 in waters of the United States located in the following Fayetteville Shale Play region counties: Cleburne, Van Buren, Conway, Faulkner, and White (See Enclosed Map), the prospective permittee shall provide written pre-construction notification (PCN) to the appropriate district. PCN will be to the District Engineer according to *General Condition No. 32 (Federal Register, Vol. 82, No. 4, FR 1860-2008)*. This PCN shall be used to review the project to determine if it will result in more than minimal effects to the watersheds within the listed counties of the Fayetteville Shale Play region. This condition does not lessen the restrictions provided by any General Conditions of the NWPs.



# Fayetteville Shale Natural Gas Play Regional Condition No. 5



Regional Condition No. 5 Counties		Arkansas Regulatory Boundaries	
	Fayetteville Shale Play Counties		Little Rock District
	Cleburne		Memphis District
	Conway		Vicksburg District
	Faulkner		
	Van Buren		
	White		



**US Army Corps  
of Engineers**  
Little Rock District