



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil/

October 16, 2023

Regulatory Division

FILE No. **SWL-2023-00171**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

Please refer to your request of October 3, 2023, on behalf of [REDACTED], concerning a waters of the United States determination on an approximately 40-acre subject property near Broyles Road regarding tributaries to Goose Creek, in parts of section 13, T. 16 N., R. 31 W., Fayetteville, Washington County, Arkansas. This letter will provide information on the extent of the waters of the United States, including wetlands, on the property and the Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344).

My site evaluation on October 5, 2023, utilizing United States Geological Survey Quadrangle Maps, aerial photography, National Hydrography Dataset, wetland delineation by FTN Associates, Ltd., and the Natural Resources Conservation Service Washington County Soil Survey, revealed that the property contains areas that meet the definition of wetlands and waters of the United States, as determined by the 1987 Corps of Engineers Wetlands Delineation Manual, Eastern Mountains and Piedmont Region Supplement, appropriate guidance, and Department of the Army regulations. Approximately 1,196 linear feet of intermittent stream were identified. The approximate location of this area is shown on the enclosed map of the site.

This letter contains an Approved Jurisdictional Determination for your proposed project. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. Enclosed you will find a Notification of Appeals Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been

received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 15, 2023.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Please be advised that the discharge of dredged or fill material in waters of the United States, including wetlands, requires a Department of the Army permit prior to beginning work in most situations. A permit is required pursuant to Section 404 of the Clean Water Act and Corps of Engineers implementing regulations, 33 CFR 320 - 332. The clearing of wetlands with mechanized equipment; landleveling; construction of ditches, dikes, and dams; placement of fill to raise the elevation of a site; and stabilization of banks are examples of activities that routinely require a permit. All of these activities involve the discharge of dredged or fill material in waters of the United States.

In the event you wish to apply for a permit, please visit our website at <https://www.swl.usace.army.mil/Missions/Regulatory/Applying-for-a-Permit/>. The website contains DA application forms and instructions. It also briefly describes the Corps regulatory process. Please note the drawing requirements and checklist. These instructions are designed to insure the submittal of a good, understandable application and drawings of your project. Plan and cross section drawings should be in a scaled printable format. Our acceptance of an application does not necessarily mean it will be approved. Note that you can either submit your application electronically to the general regulatory email inbox at ceswl-regulatory@usace.army.mil or hardcopy postal mail.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

Your cooperation in the Regulatory Program is appreciated. If you have any questions, please contact me at [REDACTED] and refer to No. **SWL-2023-00171**.

Sincerely,

[REDACTED]
[REDACTED]

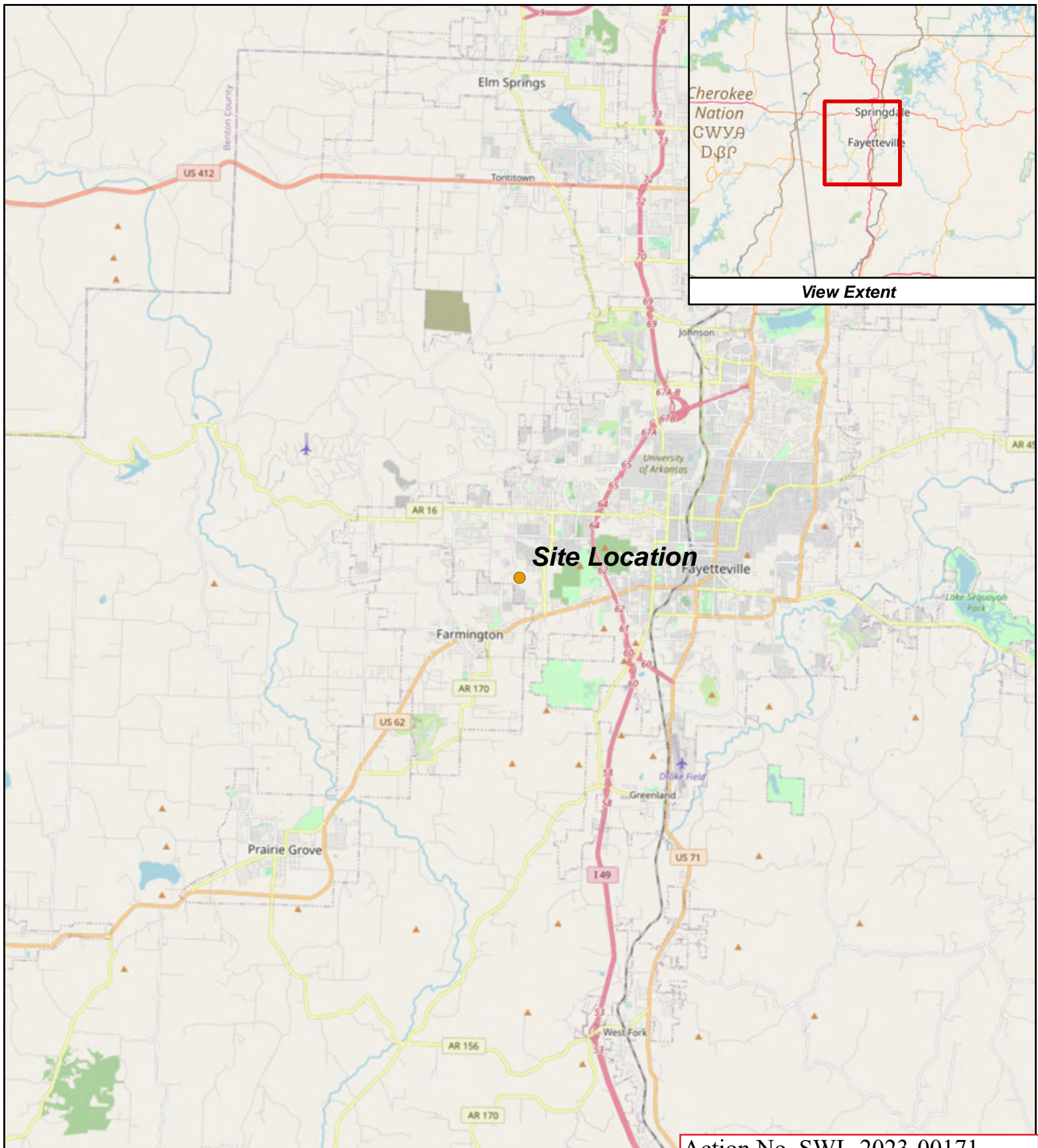
Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

cc:

Beaver Lake PO

Ch, Regulatory Enf



Broyles Road – Section 404 Delineation

2

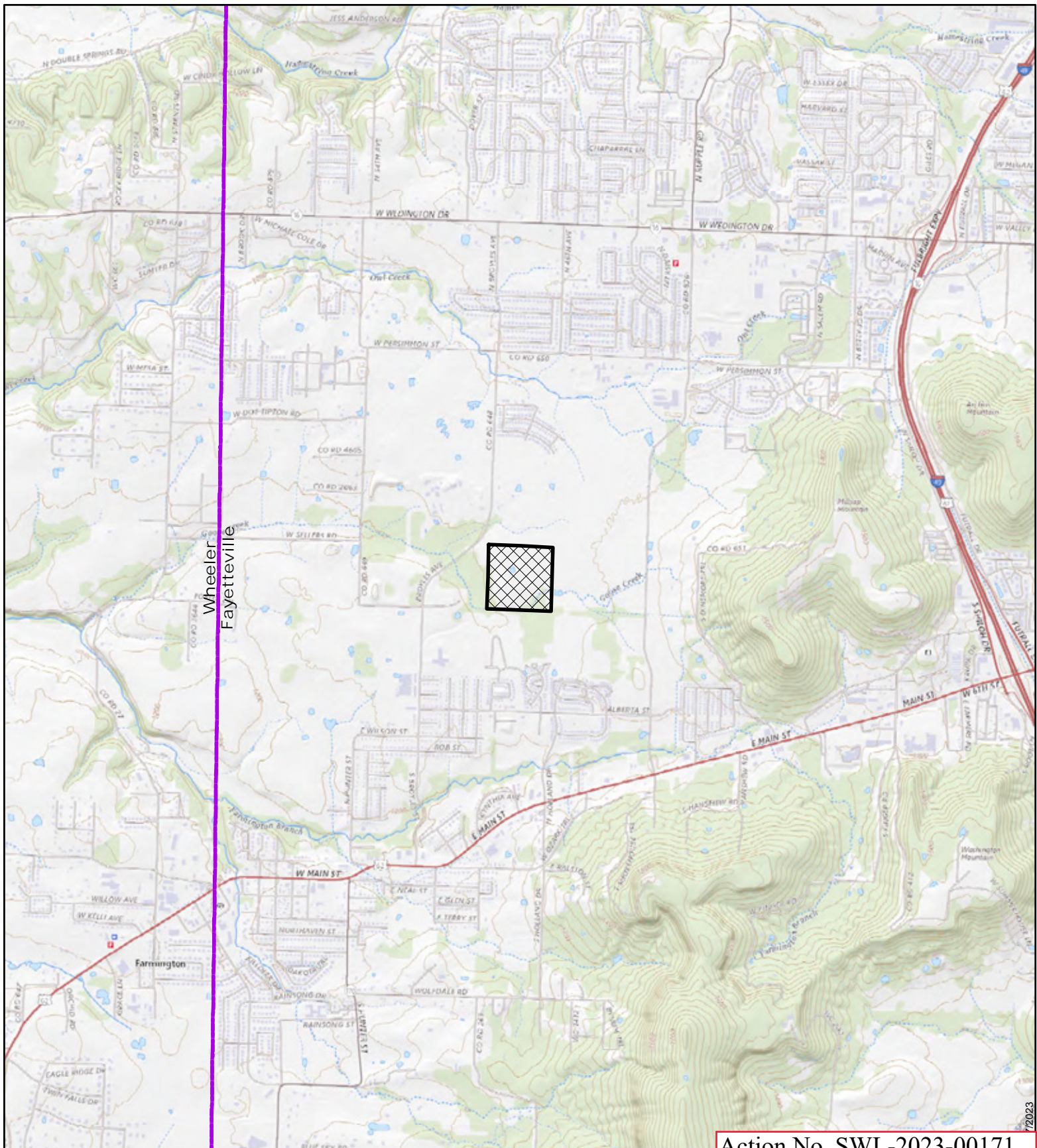
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● Site Location

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Figure 1. Project location in Fayetteville, Arkansas.



Broyles Road – Section 404 Delineation

2,000

Feet

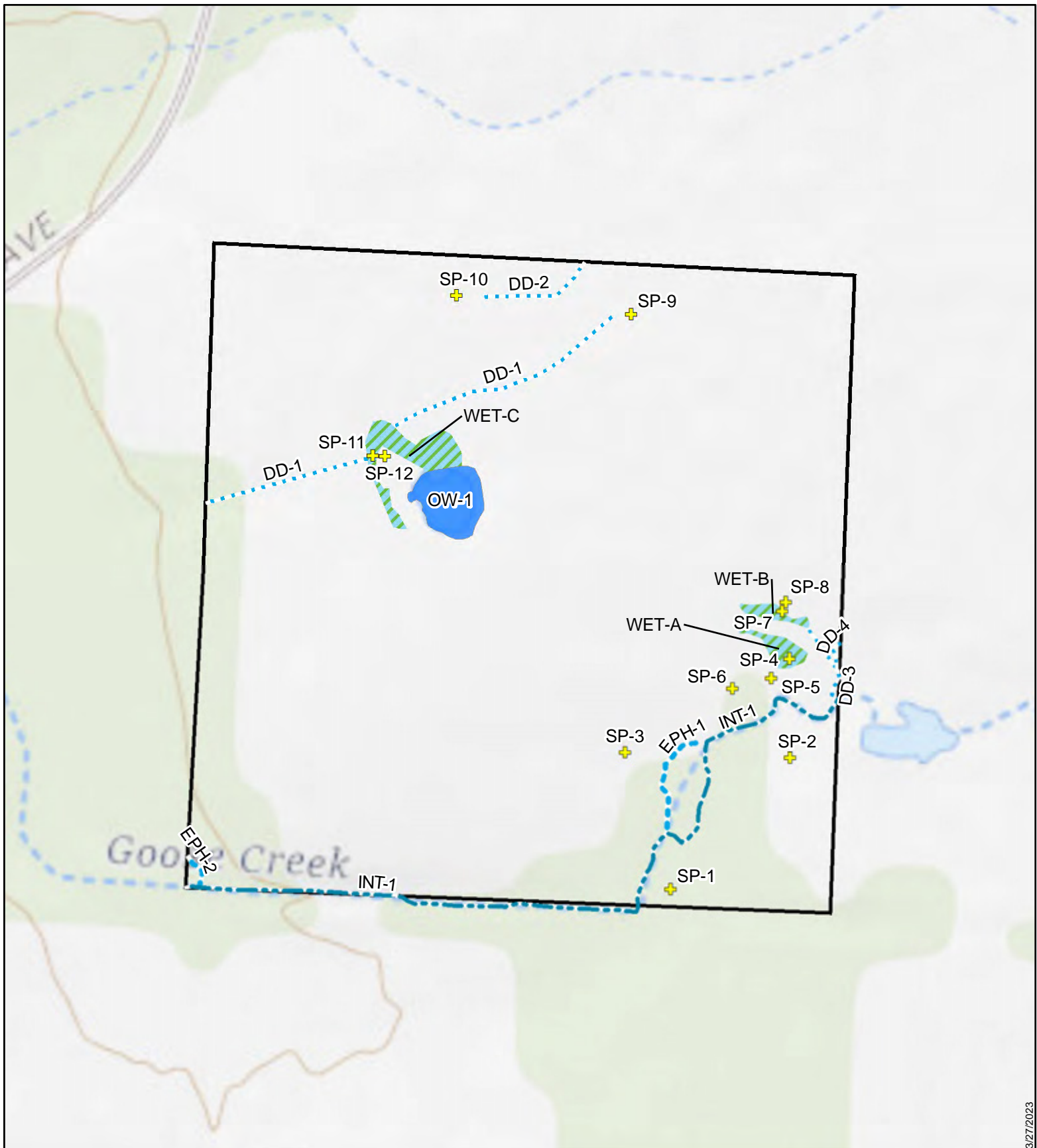


Project Area

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Figure 2. Map showing overview of project area overlaid on the USGS *The National* Wheeler and Fayetteville, AR (7.5-minute series).



3/27/2023

Broyles Road – Section 404 Delineation

- Project Area
- Open Waters
- Project Wetlands
- Drainage Ditch
- Ephemeral Channel
- Intermittent Channel
- + Sample Point

200

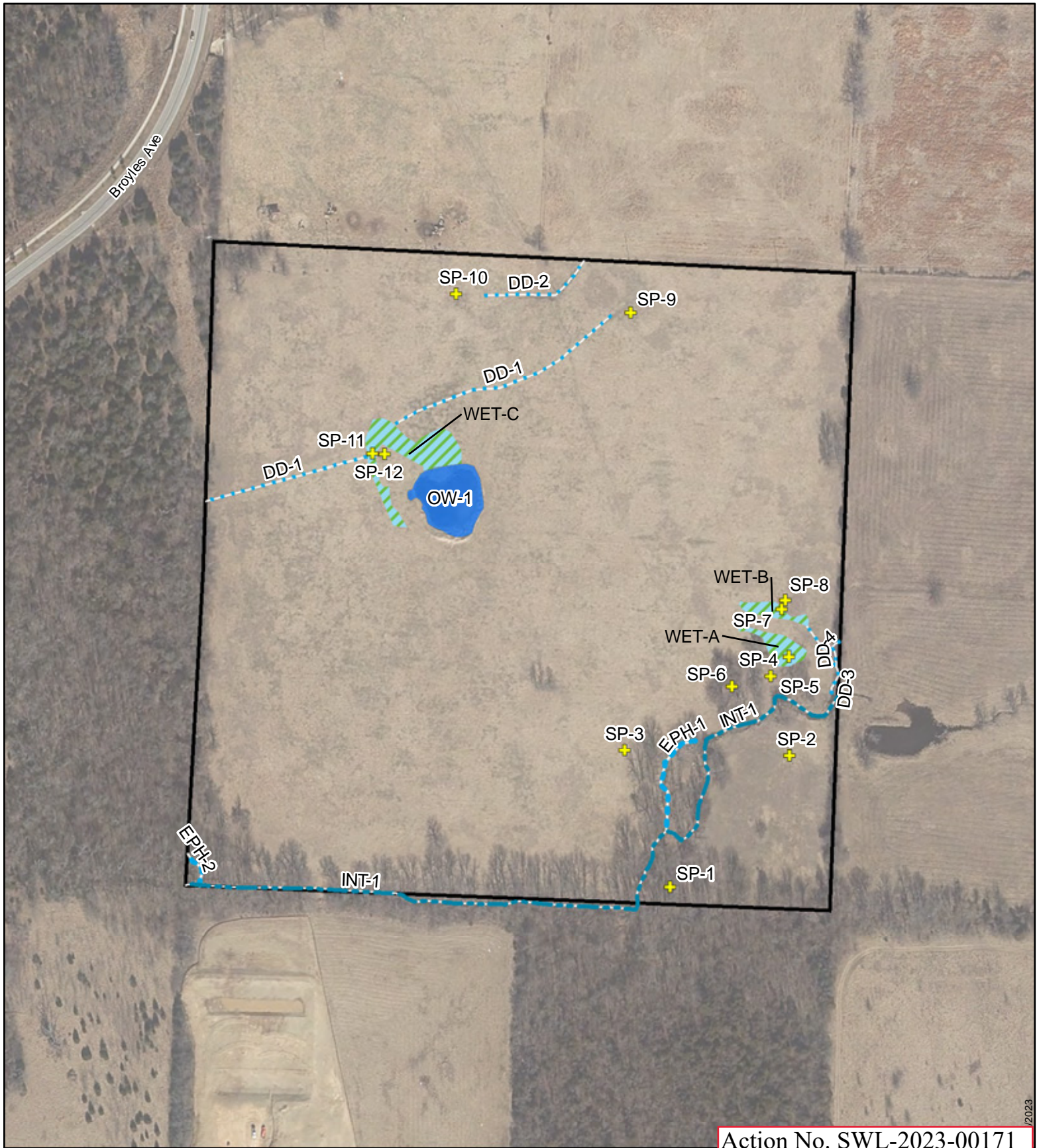
Feet

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Figure 3. Map showing project area details overlaid on the USGS *The National Map* of Fayetteville, AR (7.5-minute series).



200

Feet

Broyles Road – Section 404 Delineation

- Project Area
- Open Waters
- Project Wetlands
- ⋯ Drainage Ditch
- ~ Ephemeral Channel
- - - Intermittent Channel

+ Sample

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Broyles Road Subdivision

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Figure 4. Map showing project area details overlaid on 2017 aerial image