



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

September 15, 2023

Regulatory Division

FILE No. SWL-2023-00249

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

Dear [REDACTED]

Please refer to your request on August 23, 2023, concerning U.S. Army Corps of Engineers permit requirements pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344). The proposed project is located in section 8 and 9, T19N, R30W, Bentonville, Benton County, Arkansas.

A site inspection on September 7, 2023 by Corps personnel indicates that this area does not meet the definition of wetlands and waters of the United States, as determined by the 1987 Corps of Engineers Wetlands Delineation Manual, Regional Supplements, appropriate guidance, and Department of the Army regulations. Therefore, a Section 404 Department of the Army permit is not required.

This letter contains an Approved Jurisdictional Determination for your subject site. 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

[REDACTED]
[REDACTED]

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 November 13, 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.

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.

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.

Your cooperation in the Regulatory Program is appreciated. If you have any questions, please contact me at 501-690-6173 and refer to Permit No. **SWL-2023-00249**.

Sincerely,


Regulatory Specialist

Enclosures

cc:

Proj Mgr, Beaver Lake PO

Ch, Regulatory Enf

 Regulatory Enf Branch



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Jo	Johnsburg silt loam, 0 to 2 percent slopes	0.4	28.2%
PeC	Peridge silt loam, 3 to 8 percent slopes	1.1	71.8%
Totals for Area of Interest		1.5	100.0%



USDA SOILS MAP

SHEET TITLE

PROJECT TITLE

REVISIONS:

NO.

DATE

BY:

DESCRIPTION

CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES

DESIGNED BY:

DRAWN BY:

CHECKED BY:

DATE: AUG. 17, 2023

SCALE: N.T.S.

PMI

JOB NUMBER: KT237242

SHEET NUMBER: 3

FILE: N:\PROJECTS\2023\KT237242\PROJECT DOCUMENTS (REPORTS-LITERATURE-DRAFTS TO CLIENTS)\DRAWINGS\BURCKART BENTONVILLE -USACE DELINEATION.DWG

MEDLIN LAND USACE DELINEATION

BURCKART CONSTRUCTION, INC.

BENTONVILLE, ARKANSAS