



US Army Corps  
of Engineers®  
Little Rock District

# PUBLIC NOTICE

*CORPS OF ENGINEERS*

**Application Number: SWL 2021-00022**

**Date: February 2, 2021**

**Comments Due: March 1, 2021**

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**TO WHOM IT MAY CONCERN: Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the regulator, Gerald Dickson, telephone number: (501) 340-1372, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [Gerald.W.Dickson@usace.army.mil](mailto:Gerald.W.Dickson@usace.army.mil)

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Lee & Greg Hatcher  
6800 Pinnacle Valley Road  
Little Rock, Arkansas 72223**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the construction of a pool facility on their property. The proposed project is located in wetlands adjacent to an unnamed tributary to the Little Maumelle River, in the NE 1/4 of section 13, T. 2 N., R. 14 W., Little Rock, Pulaski County, Arkansas.

The project purpose is to construct a recreational pool facility and access road adjacent to the applicant's house. The project is not water dependent.

The project will require the placement of approximately 5,810 cubic yard of fill material into a forested wetland area to accommodate the construction of the pool facility. The pool facility construction pad will be approximately 160-feet-long by 70-feet-wide by 14-feet-tall. The pool facility pad will be surrounded by a stem wall to help minimize fill material being placed in the wetland. Additionally, the project will require the placement of approximately 5,835 cubic yards of fill material into the forested wetland area to accommodate the construction of a permanent access road and parking area. The access road and parking area will be approximately 465-feet-long by 40-feet-wide. Two elevated walkways will also be constructed over the wetland area from the pool facility to the applicant's yard. The project will fill approximately 0.78 acres of forested wetland.

The project area is located in a forested wetland on the northeastern side of the applicant's home in a mainly rural area in between the Little Maumelle River and an unnamed tributary to the Little Maumelle River.

The use of the stem walls and minimal width for access road is estimated to have reduced the impacts to the wetland by approximately 0.25 acres. Compensatory mitigation requirements for

impacts to wetlands would be assessed utilizing the 2002 Charleston Method with the Little Rock District Addendum. The applicant is proposing that compensatory mitigation for wetland impacts would be provided by off-site mitigation through the enhancement, restoration or creation of wetlands, or the purchase of credits from a Corps approved mitigation bank that services the area.

The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. The applicant submitted a certification request to the Water Quality Planning Branch of the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority) with copy to the Corps on February 1, 2021. In accordance with Certification Rule Part 121.6, the Corps has determined the reasonable period of time for the certifying agency to act upon the certification request is 60 days. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

Cultural Resources. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit, which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section

404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal CFR 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **March 1, 2021**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: **34.815149°**




Longitude: **-92.450166°**

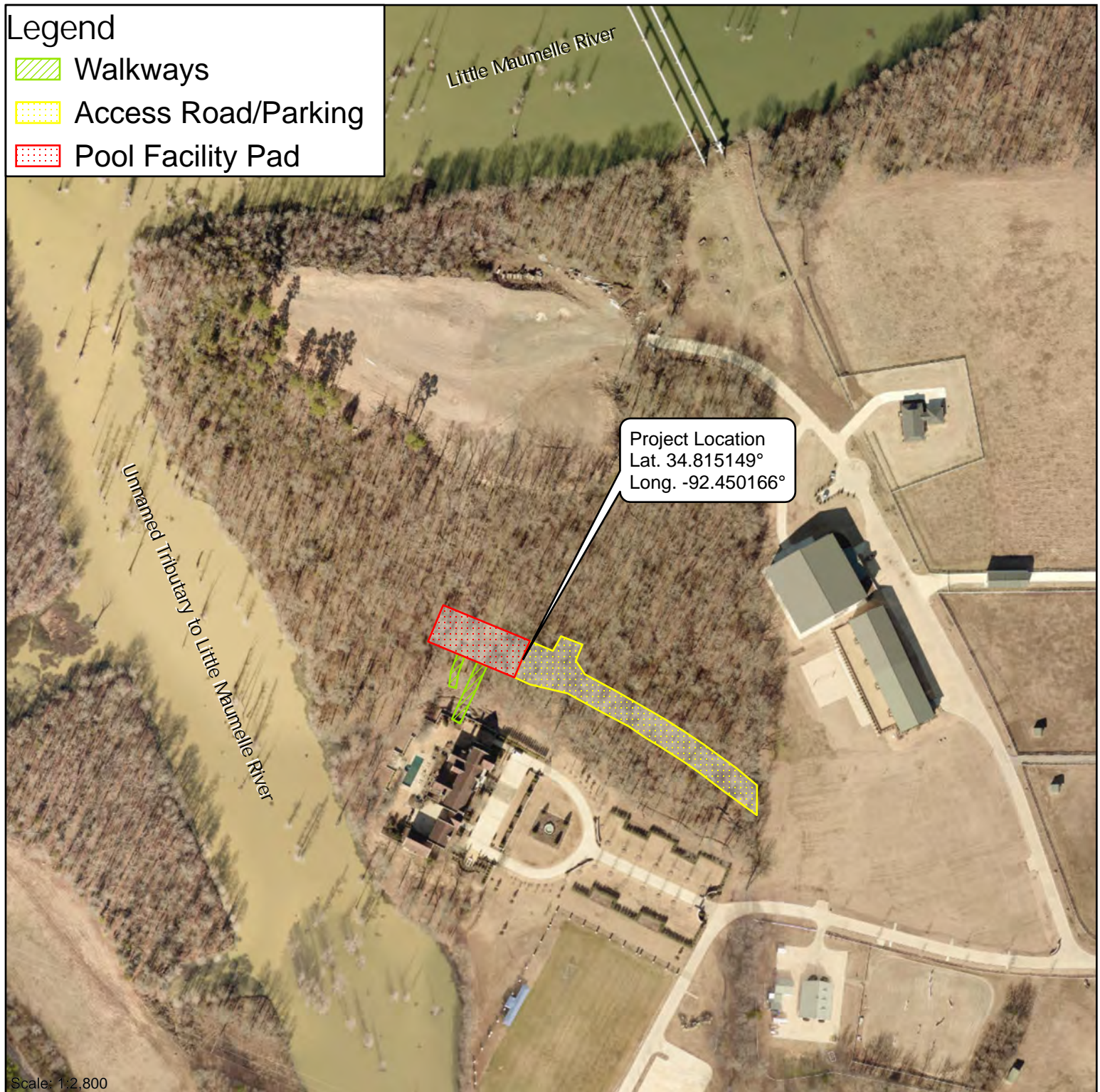
UTM Zone: **15N** North: **3852681.86**

East: **550286.10**



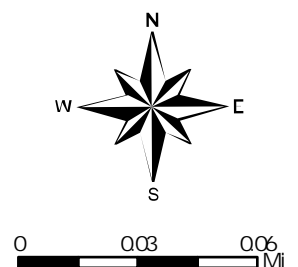
## Legend

-  Walkways
-  Access Road/Parking
-  Pool Facility Pad

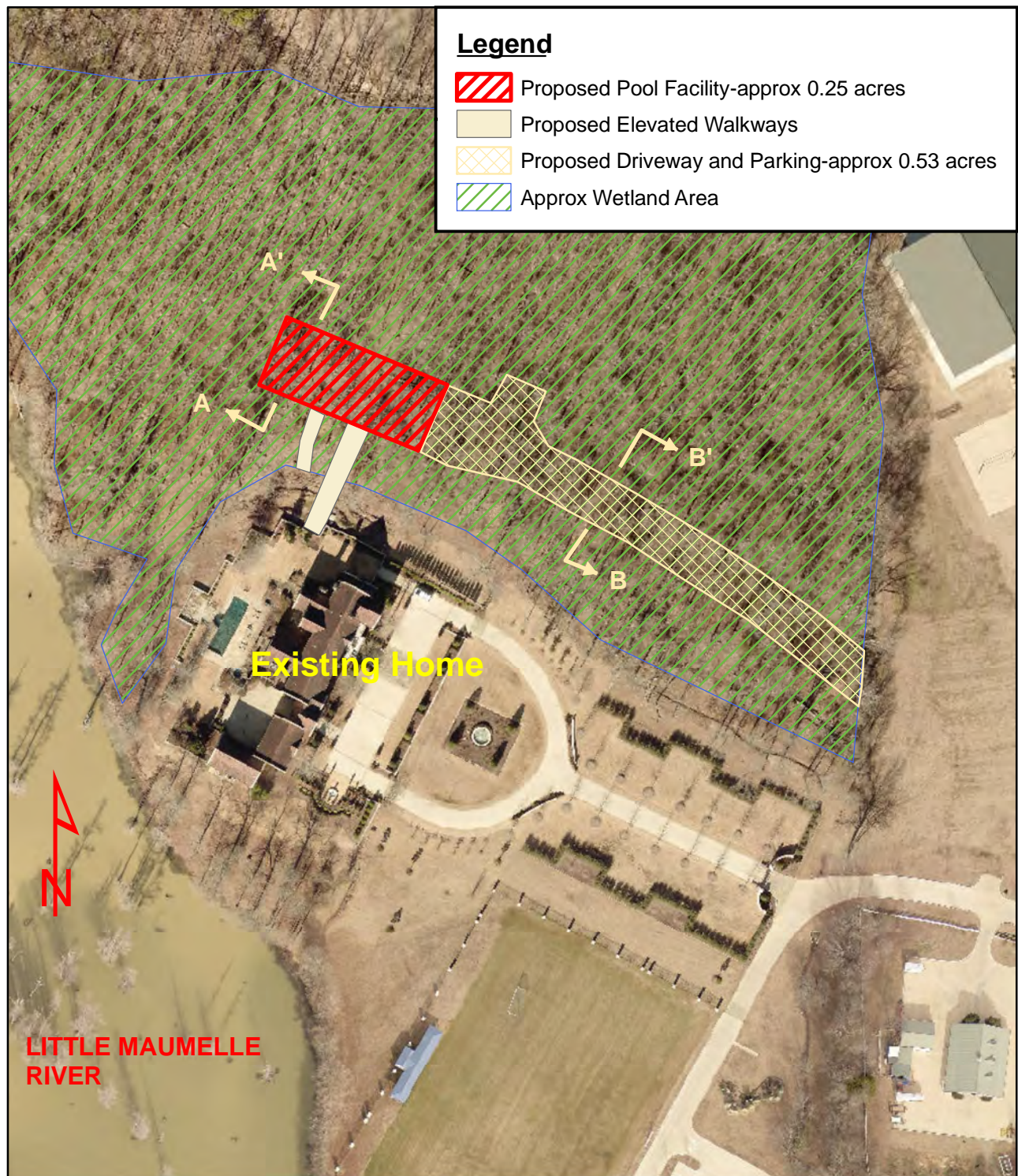


**ACTION NO. SWL 2021-00022**  
**Lee & Greg Hatcher**  
**Recreational Pool Facility**  
**Sec 13, T. 2 N., R. 14 W**  
**February 2021**

Coordinate System: NAD 1983 2011 UTM Zone 15N



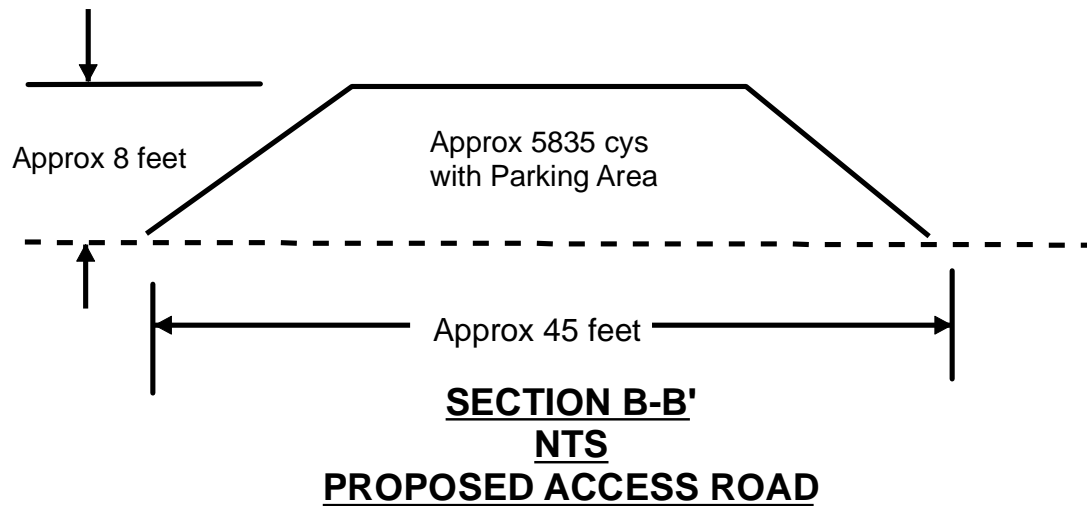
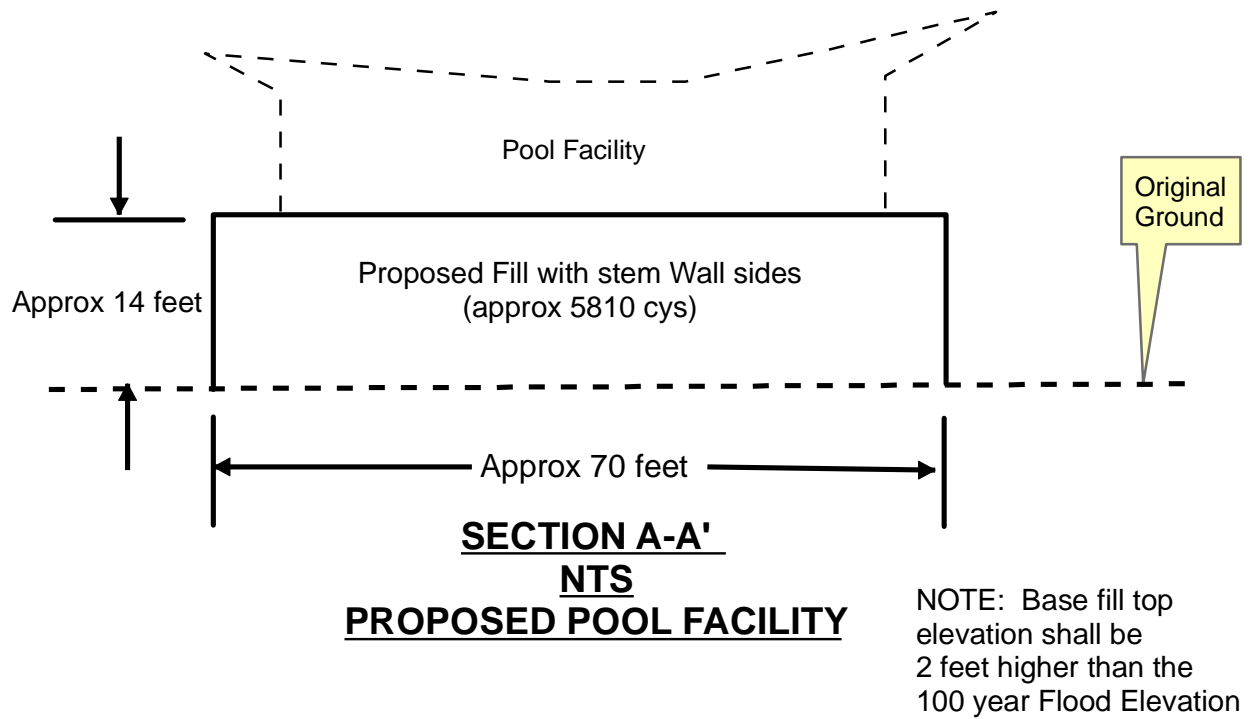




Lee and Greg Hatcher  
 Proposed Pool Facility and Access Road  
 Little Maumelle River  
 Pulaski County, Little Rock, Arkansas  
 December 2020      Sheet 3 of 4

**SITE PLAN - 2018 Aerial Photograph**

0    50    100    200 Feet



Lee and Greg Hatcher  
Proposed Pool Facility and Access Road  
Little Maumelle River  
Pulaski County, Little Rock, Arkansas  
December 2020 Sheet 4 of 4

## **CROSS-SECTIONS**