



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

December 22, 2023

Regulatory Division

FILE No. SWL 2023-00312

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

Dear [REDACTED]:

Please refer to your letter of October 27, 2023, on behalf of your client [REDACTED], concerning a waters of the United States determination of Osage Springs, in the part of section 16, T. 19 N., R. 30 W., Rogers, Benton 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 inspection and evaluation on November 21, 2023, utilizing United States Geological Survey Quadrangle Maps, aerial photography, National Hydrography Dataset, and the Natural Resources Conservation Service Benton 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 35 linear feet of stream and approximately 0.73 acre of impounded waters were identified. The approximate location of these areas is shown on the enclosed map of the site.

As you are aware, a cultural resources survey was conducted previously on the property. This survey resulted in the recording of archaeological site 3BE495—a multi-component site eligible for the National Register of Historic Places under all four criteria that can be applied. Therefore, this site will need to be addressed if a Department of the Army application is submitted.

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 February 20, 2024.

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 2023-00312**.

Sincerely,


[REDACTED]
[REDACTED]

Enclosures

cc:

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



<div><div>CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES 3512 SOUTH SHACKLEFORD RD LITTLE ROCK, ARKANSAS 72205 PH: (501) 221-7122 FX: (501) 221-7775</div></div>		DESIGNED BY: JTM		DATE: OCT. 26, 2023	SCALE: 1" = 50'
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