



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
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November 7, 2023

Regulatory Division

FILE No. **SWL 2023-00227**

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

Dear Ms. [REDACTED]:

Please refer to your request on August 8, 2023, concerning a waters of the United States determination of a wetland feature on an approximately 2-acre subject property near 601 SW Tater Black Top Road in Section 35, T. 20 N, R. 31 W, Bentonville, Benton County, Arkansas. This letter will provide information on the extent of waters of the United States on the property and the U.S. Army Corps of Engineers permit requirements pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344).

A site evaluation on September 22, 2023, utilizing United States Geological Survey Quadrangle Maps, aerial photography, National Hydrography Dataset, and the Natural Resources Conservation Service Benton County Soil Survey, 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
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 January 8, 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.

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 [REDACTED] and refer to Permit No. **SWL 2023-00227**.

Sincerely,

[REDACTED]
Regulatory Specialist

Enclosures

cc:
Proj Mgr, Beaver Lake PO
Ch, Regulatory Enf
[REDACTED]




Figure 1-2. Field Data map for the Tate Black Road Project, Bentonville, Benton County, Arkansas.

Tater Black Road Project
 Bentonville, Benton County, Arkansas



July 7, 2023

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
 This page was produced by the NWI mapper

Figure 1-3. USFWS National Wetlands Inventory (NWI) Map for the Tate Black Road Project, Bentonville, Benton County, Arkansas. Approximate boundaries shown in orange.