



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 13, 2023

Regulatory Division

FILE No. **SWL-2007-00016-1**



Dear [REDACTED]:

Please refer to your letter of September 20, 2023, concerning waters of the United States determination in the NW 1/4 of section 27, T. 17N, R. 30W, Fayetteville, Washington County, AR. 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 (CWA).

A site inspection was completed on September 7, 2023, to verify the submitted delineation dated August 22, 2023. A revision of the delineation dated August 22, 2023, was submitted on September 13, 2023. The property was found to contain 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, including a 1.29 acres wetland (Wetland A) and 1,864 linear feet (LF) of stream (Perennial Stream A - 1000 LF, Intermittent Stream B - 58 LF, Intermittent Stream C - 806 LF). The approximate location of these areas is shown on the enclosed map of the site.

This letter contains an Approved Jurisdictional Determination for the 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:

[REDACTED]
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
[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 September 20, 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 ceswlregulatory@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 501-690-6173 and refer to No. **SWL-2007-00016-1**.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.A small black rectangular redaction box covering the name of the sender.

Regulatory Specialist

Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED


cc:

Beaver Lake PO


Ch, Regulatory Enf

, Regulatory Enf Branch












































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 Fayetteville, Washington County, AR
 Section: 9, Township: 17N, Range: 30W
 Total Environmental AJD Request
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 CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES PMI		REVISIONS		SHEET TITLE	
NO.	DATE	DESCRIPTION	BY	AERIAL WITH JURISDICTIONAL WATERS TRANSFER STATION USAGE DELINEATION TOTAL ENVIRONMENTAL, LLC FAYETTEVILLE, ARKANSAS	
DESIGNED BY: [REDACTED] DATE: SEP. 13 2023 DRAWN BY: [REDACTED] CHECKED BY: [REDACTED] SCALE: 1" = 100'		PROJECT TITLE			
JOB NUMBER: 35237213		PROJECT TITLE			
SHEET NUMBER 1		PROJECT TITLE			

Legend

 Override 1

National Hydrography Dataset (NHD)

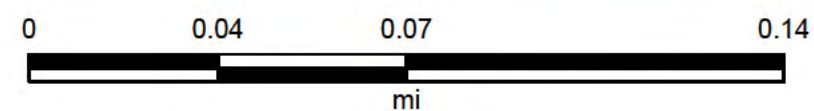
-  Estuary
-  Ice Mass
-  Inundation Area
-  Lake Pond
-  Playa
-  Reservoir
-  Swamp Marsh
-  BayInlet
-  CanalDitch
-  DamWeir
-  Foreshore
-  SeaOcean
-  Spillway
-  StreamRiver
-  Water IntakeOutflow
-  Perennial
-  Intermittent
-  Artificial Path
-  Canal Ditch
-  Coastline
-  Pipeline
-  Connector
-  Connector
-  CanalDitch
-  Underground Conduit
-  StreamRiver
-  StreamRiver - Perennial
-  StreamRiver - Intermittent
-  StreamRiver - Ephemeral
-  Pipeline
-  Artificial Path
-  Point Event
-  Dam/Weir
-  Other
-  Perennial
-  Intermittent
-  Ephemeral
-  Artificial Path
-  Canal Ditch
-  Coastline
-  Connector
-  Pipeline
-  Underground Conduit



Missouri Dept. of Conservation, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, State of Missouri, Maxar, Microsoft, USGS TNM—
National Hydrography Dataset. Data Refreshed July, 2023, Esri, HERE, Garmin, iPC



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Map Created by: 

Date: 10/3/2023

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere