



**DEPARTMENT OF THE ARMY**  
**LITTLE ROCK DISTRICT, CORPS OF ENGINEERS**  
**POST OFFICE BOX 867**  
**LITTLE ROCK, ARKANSAS 72203-0867**  
[www.swl.usace.army.mil](http://www.swl.usace.army.mil)

October 13, 2023

Regulatory Division

FILE No. **SWL-2023-00143**

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

Dear [REDACTED]:

Please refer to your request on April 25, 2023, on behalf of [REDACTED], concerning U.S. Army Corps of Engineers permit requirements pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344). You requested an Approved Jurisdictional Determination on an approximately 45-acre subject property (Wagon Wheel Development) near Clyde Carnes Road. The proposed project is located in parts of section 34, T. 16 N., R. 31 W., Farmington, Washington County, Arkansas.

A site evaluation on May 17, 2023, and October 12, 2023, utilizing United States Geological Survey Quadrangle Maps, aerial photography, National Hydrography Dataset, wetland delineation provided by FTN Associates, Ltd., and the Natural Resources Conservation Service Washington 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 December 12, 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 [REDACTED] and refer to Permit No. **SWL-2023-00143**.

Sincerely,

[REDACTED]  
Project Manager

Enclosures

cc:  
Proj Mgr, Beaver Lake PO  
Ch, Regulatory Enf

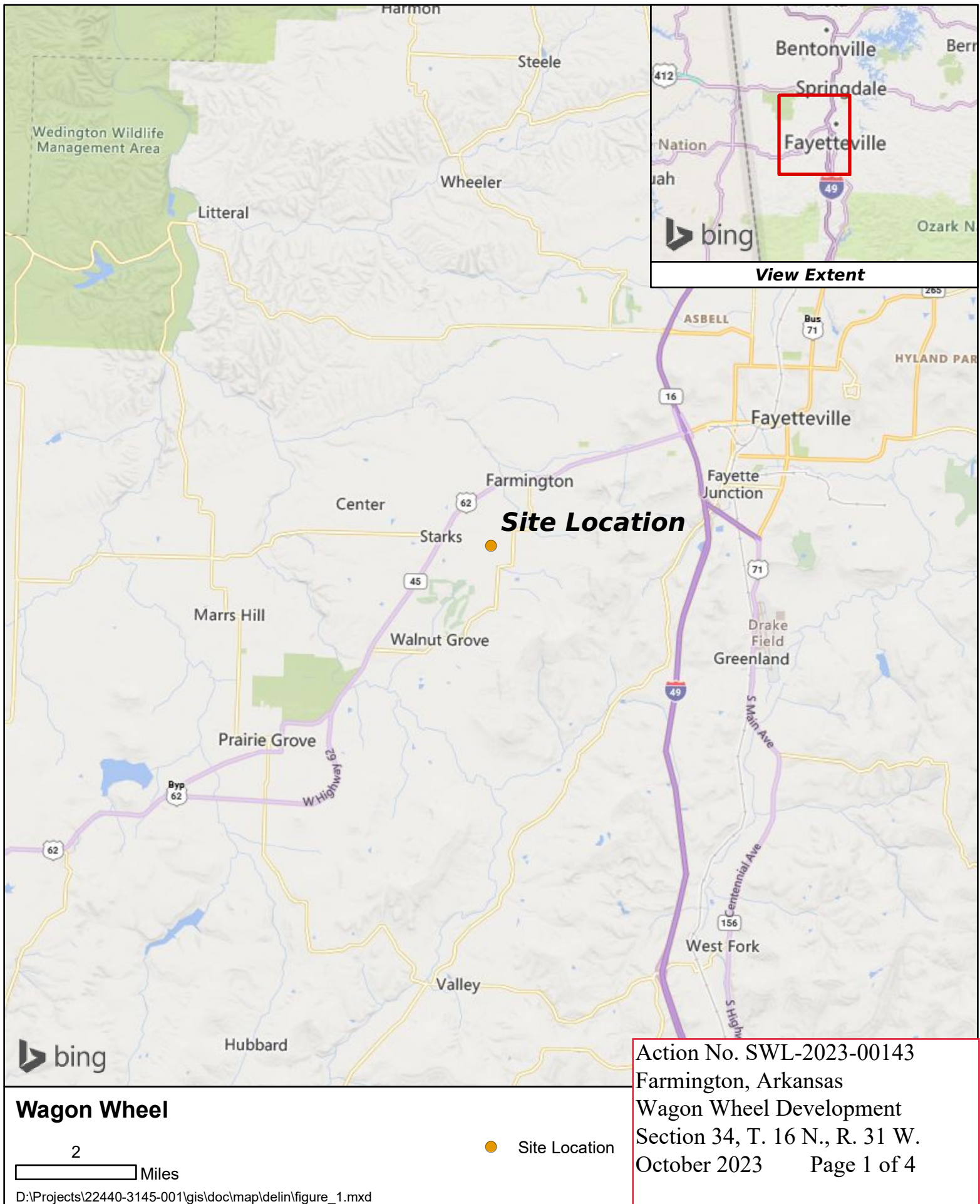
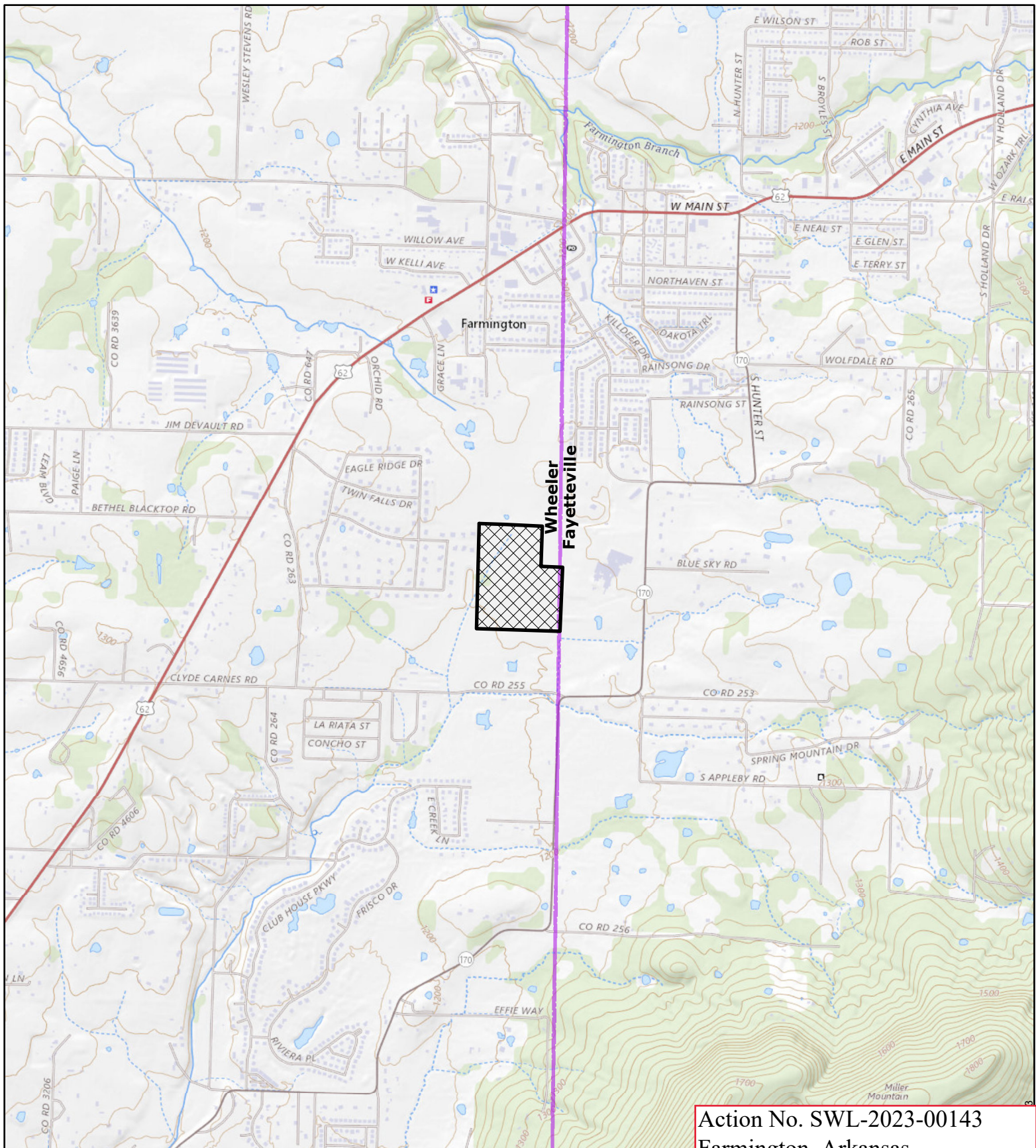


Figure 1. Vicinity Map.





## Wagon Wheel

2,000

Feet



Project Area

D:\Projects\22440-3145-001\gis\doc\map\delin\figure\_2.mxd

Action No. SWL-2023-00143  
Farmington, Arkansas  
Wagon Wheel Development  
Section 34, T. 16 N., R. 31 W.  
October 2023      Page 2 of 4

Figure 2. Map showing overview of project area overlaid on the USGS *The National Map* Topo basemap for quadrangles Fayetteville and Wheeler, AR (7.5-minute series).



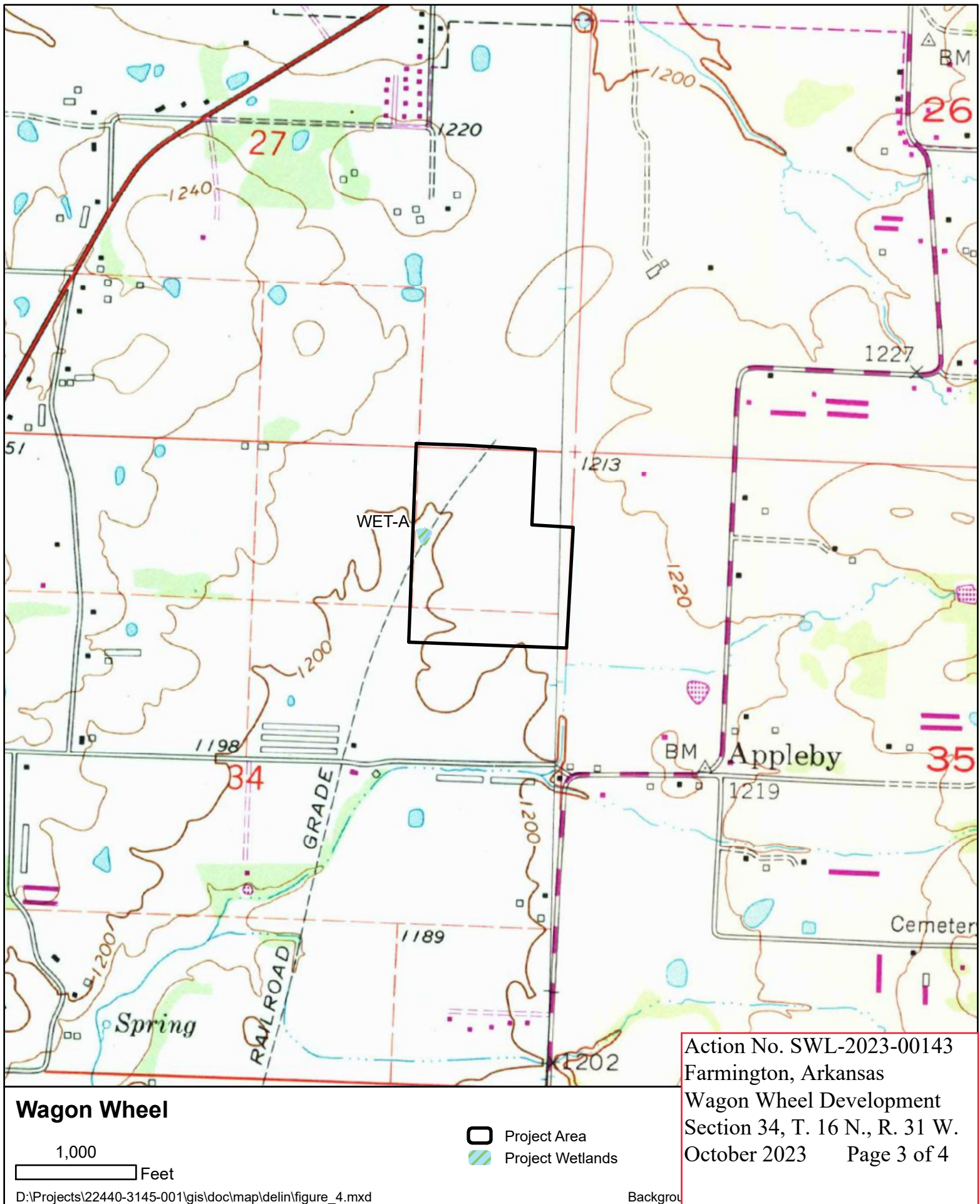


Figure 4. Map showing project area details overlaid on the USGS Historical Topographic Maps (7.5-minute series) for quadrangles Fayetteville, AR (1958, revised 1982) and Wheeler, AR (1970, revised 1983).





## Wagon Wheel

250

Feet



Project Area



Project Wetlands



Sample

D:\Projects\22440-3145-001\gis\doc\map\delin\figure\_5.mxd

Action No. SWL-2023-00143  
Farmington, Arkansas  
Wagon Wheel Development  
Section 34, T. 16 N., R. 31 W.  
October 2023 Page 4 of 4

Figure 5. Map showing project area details overlaid on 2022 Benton County aerial imagery provided by Northwest Arkansas Planning Commission (via ArcGIS Online.)