



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-1965-00196-11

Date: August 24, 2022

Comments Due: September 19, 2022

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, Cynthia Blansett, telephone number: (501) 340-1370, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Cynthia.W.Blansett@usace.army.mil

Project Information. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Mr. Clay McGeorge
Jeffrey Sand Company
PO Box 9054
North Little Rock, Arkansas 72119**

has requested authorization for work in waters of the United States associated with their existing permit for commercial dredging. The operation is located within the navigation channel of the Arkansas River, between Navigation Miles (NM) 135.8 and 138.9 and between NM 139.4 and 149.5, in Pool 7, in Pulaski, Faulkner, and Perry Counties, Arkansas. Dredging is permitted both in and out of the navigation channel from NM 135.8 to NM 138.9, NM 139.4 to NM 140.7, and NM 143.8 to NM 147.6. Dredging is permitted in the navigation channel only from NM 140.7 to NM 143.8 and NM 147.6 to NM 149.5.

The material will be placed ashore for storage and further processing at the facility on the left descending bank of the Arkansas River at NM 117.3 or at the facility on the left descending bank at NM 157.8.

The project purpose is to provide sand and gravel for commercial use. The overall purpose of the project is to perform dredging of the McClellan-Kerr Arkansas River Navigation System within and outside the navigation channel. The project is water dependent.

The majority of the material would be placed on barges and towed to shore for unloading and subsequent sale for commercial use. Presently, Jeffrey Sand Company is authorized for dredging with a suction classifier dredge, cable cranes, and hydraulic excavators.

Dredging operations have been permitted in these reaches since 1972, with segments having been permitted since 1965. Approval of the current request would extend the dredging period for the previously permitted site for five years.

The McClellan-Kerr Arkansas River Navigation System (MKARNS) is dredged for commercial uses and to maintain the navigation channel. Natural creation of sand deposits and commercial and maintenance removal of these deposits is an ongoing process for the life cycle of the Arkansas River since the construction of the MKARNS. The Little Rock District Regulatory Division does not typically require compensatory mitigation for dredging activities. Due to this established standard operating procedure and the minor impacts of the project, no compensatory mitigation would be required if the project is permitted.

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 June 8, 2022. 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 **September 19, 2022**. 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

NM 137.35:

Latitude: **34.891937**

Longitude: **-92.452725**

UTM Zone: **15**

North: **3862665.75**

East: **550164.08**

NM 144.45:

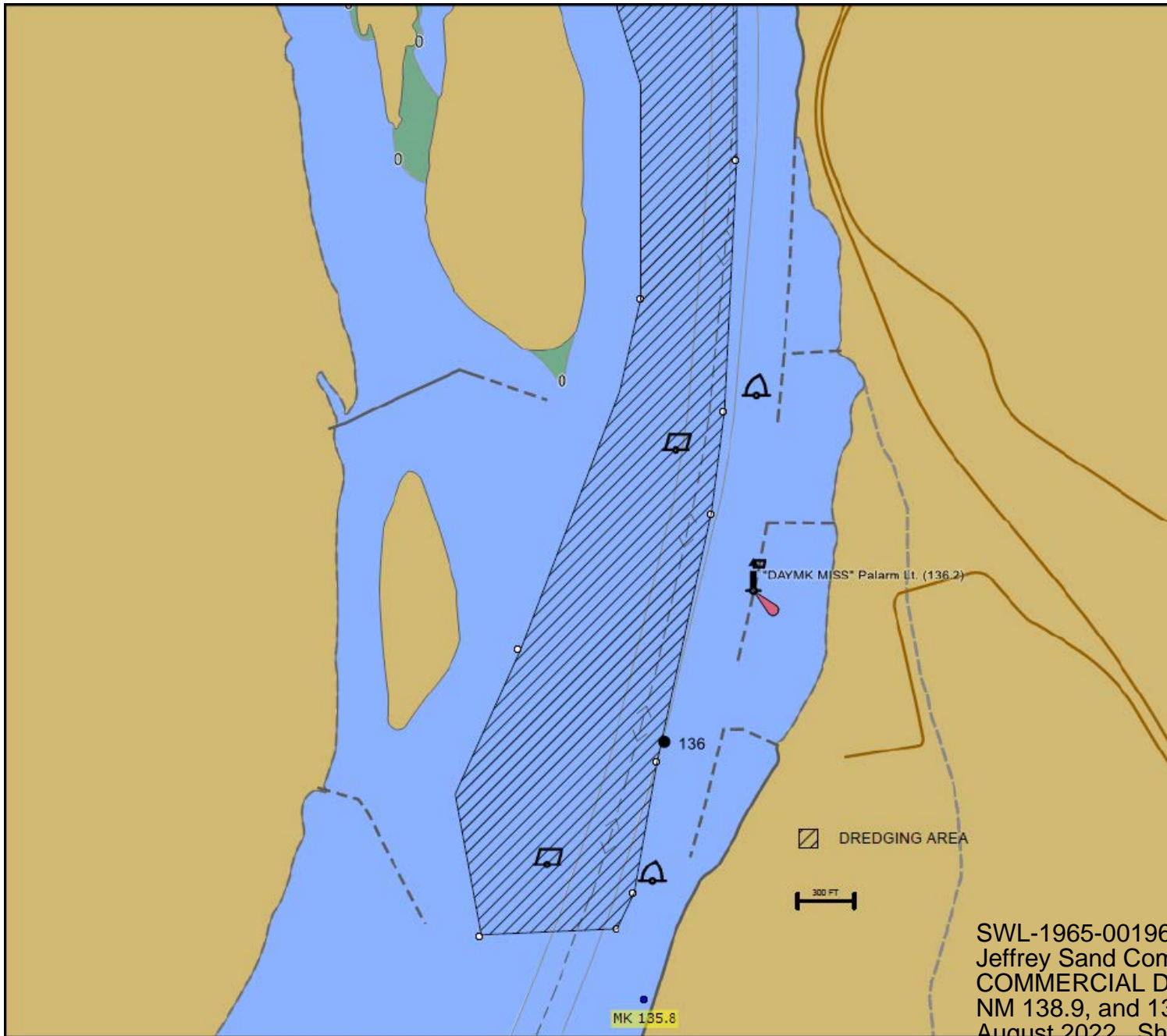
Latitude: **34.956160**

Longitude: **-92.547779**

UTM Zone: **15**

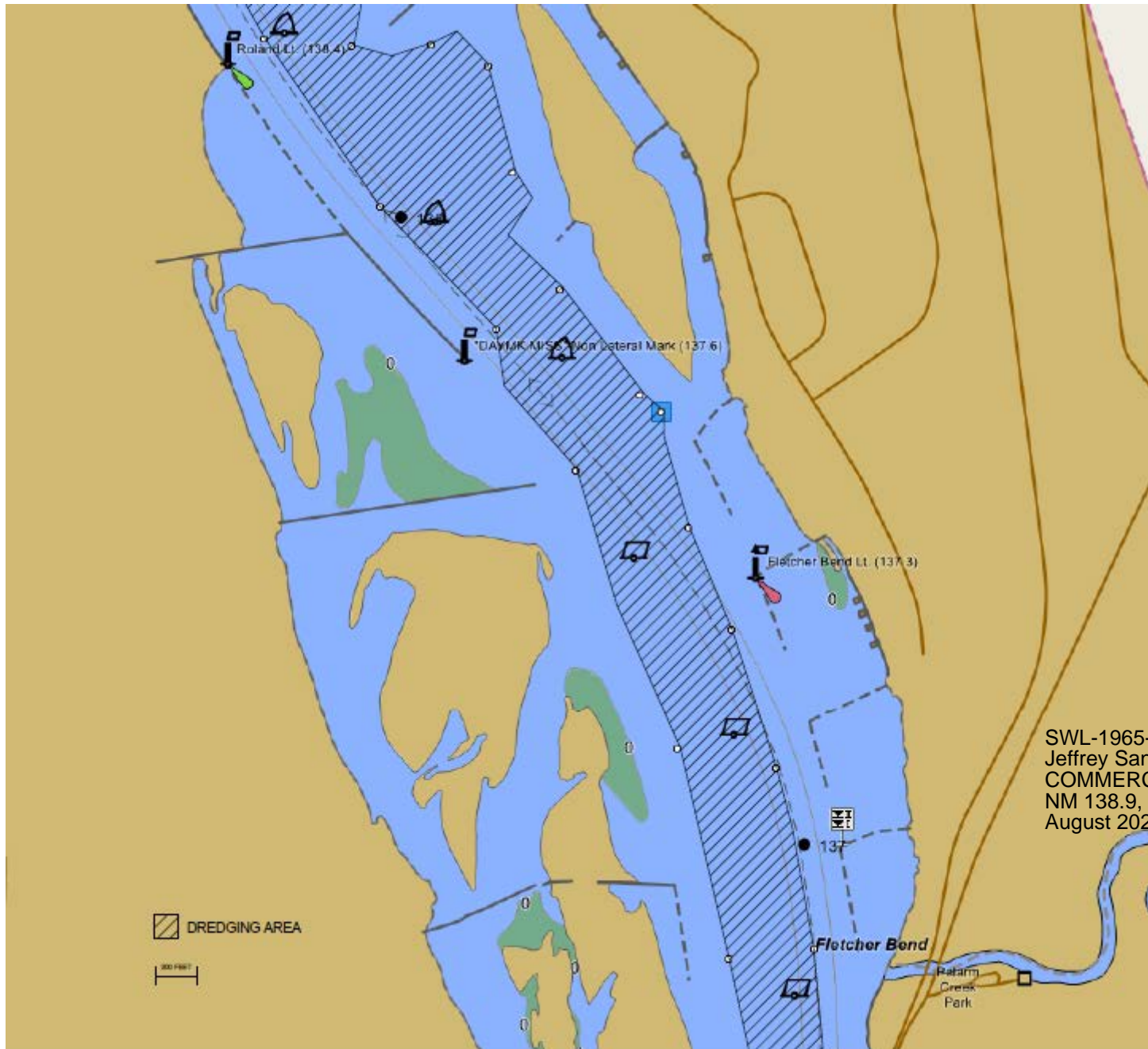
North: **3868079.00**

East: **541281.560**



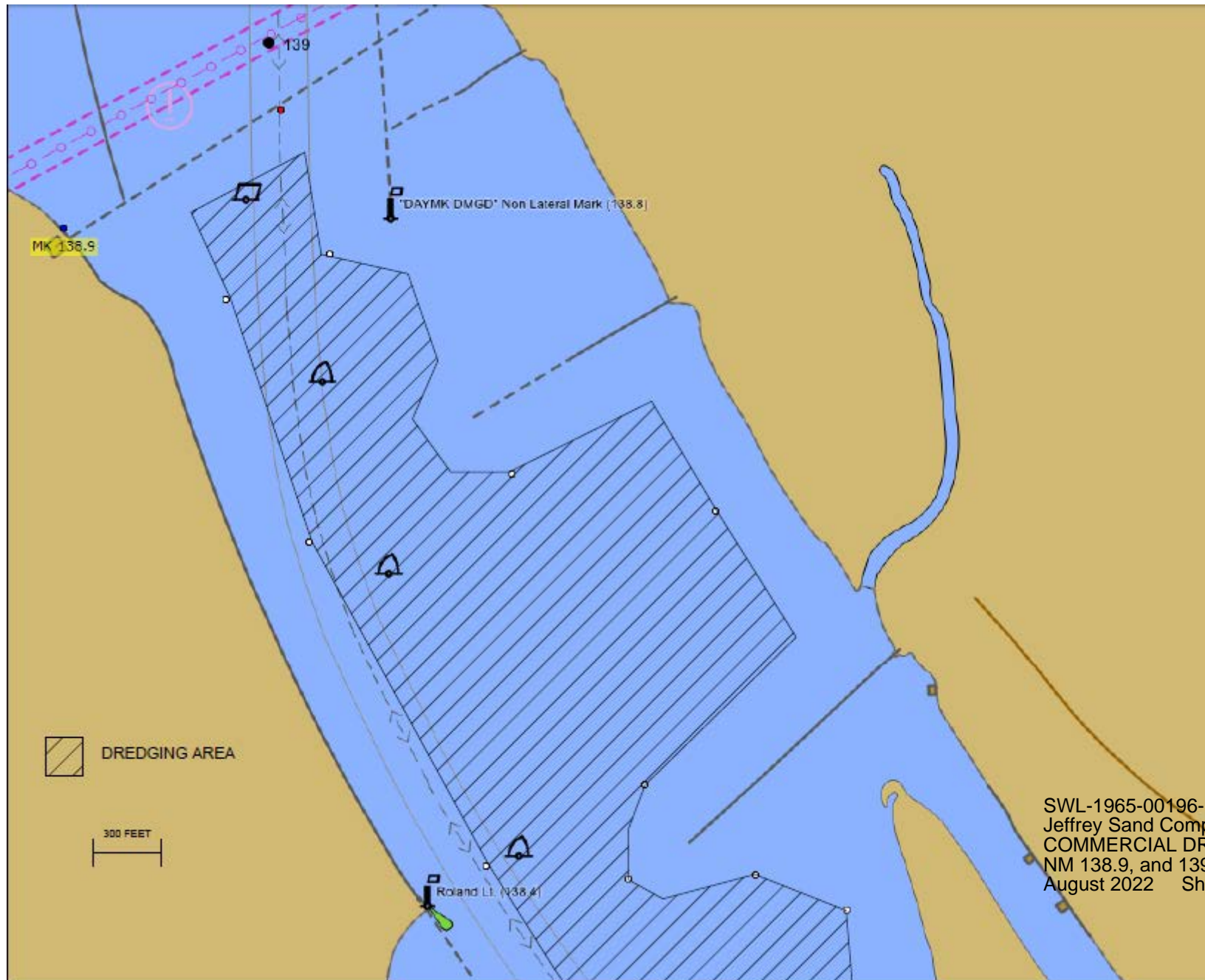
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Jeffrey Sand Company
COMMERCIAL DREDGING
NM 138.9, and 139.4 - 149.5 - Pool 7
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NM 135.8 to 136. This area is to be dredged to 40 feet, typically, dependent on the channel depths adjacent to the area.

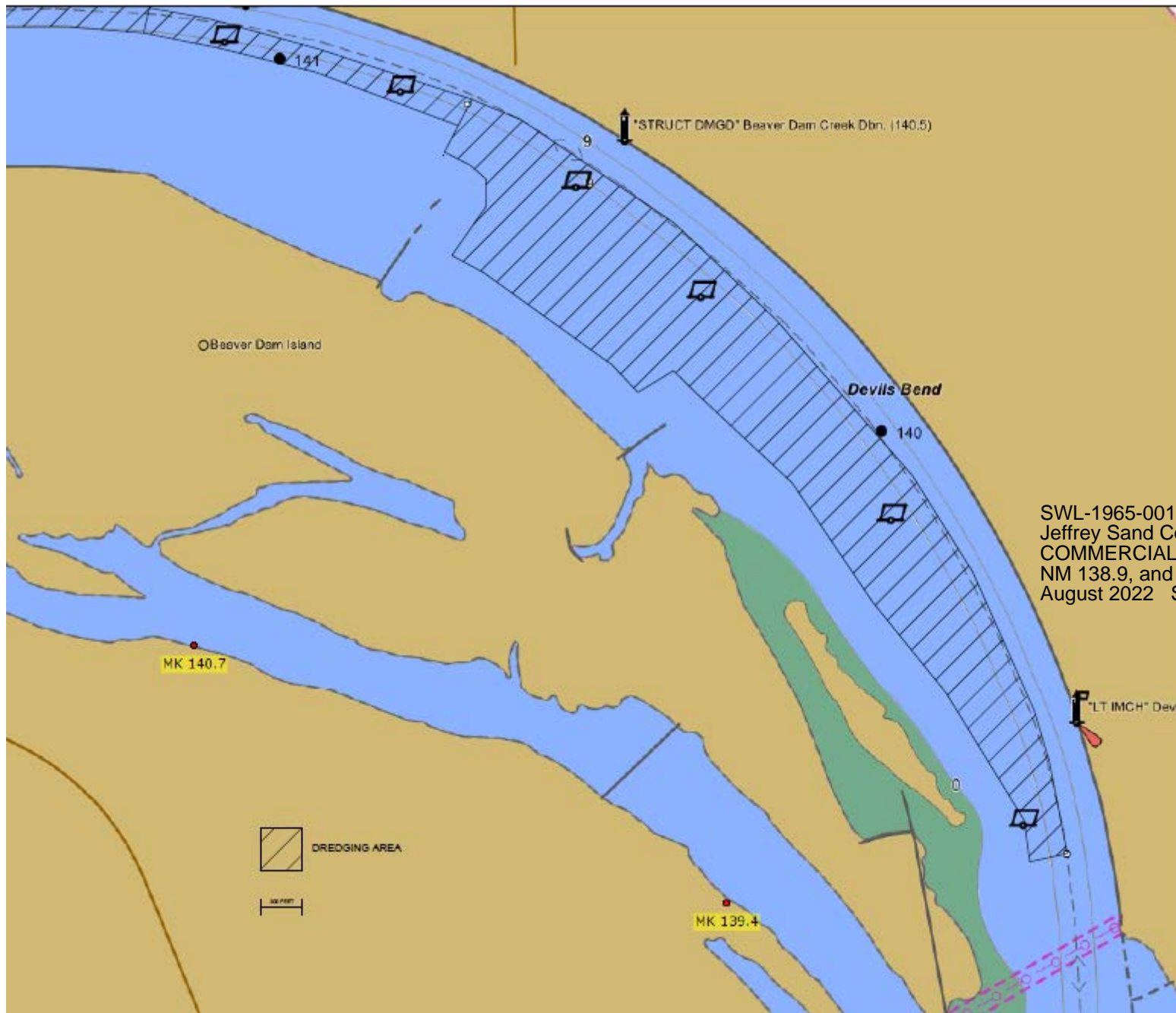


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NM 138.9, and 139.4 - 149.5 - Pool 7
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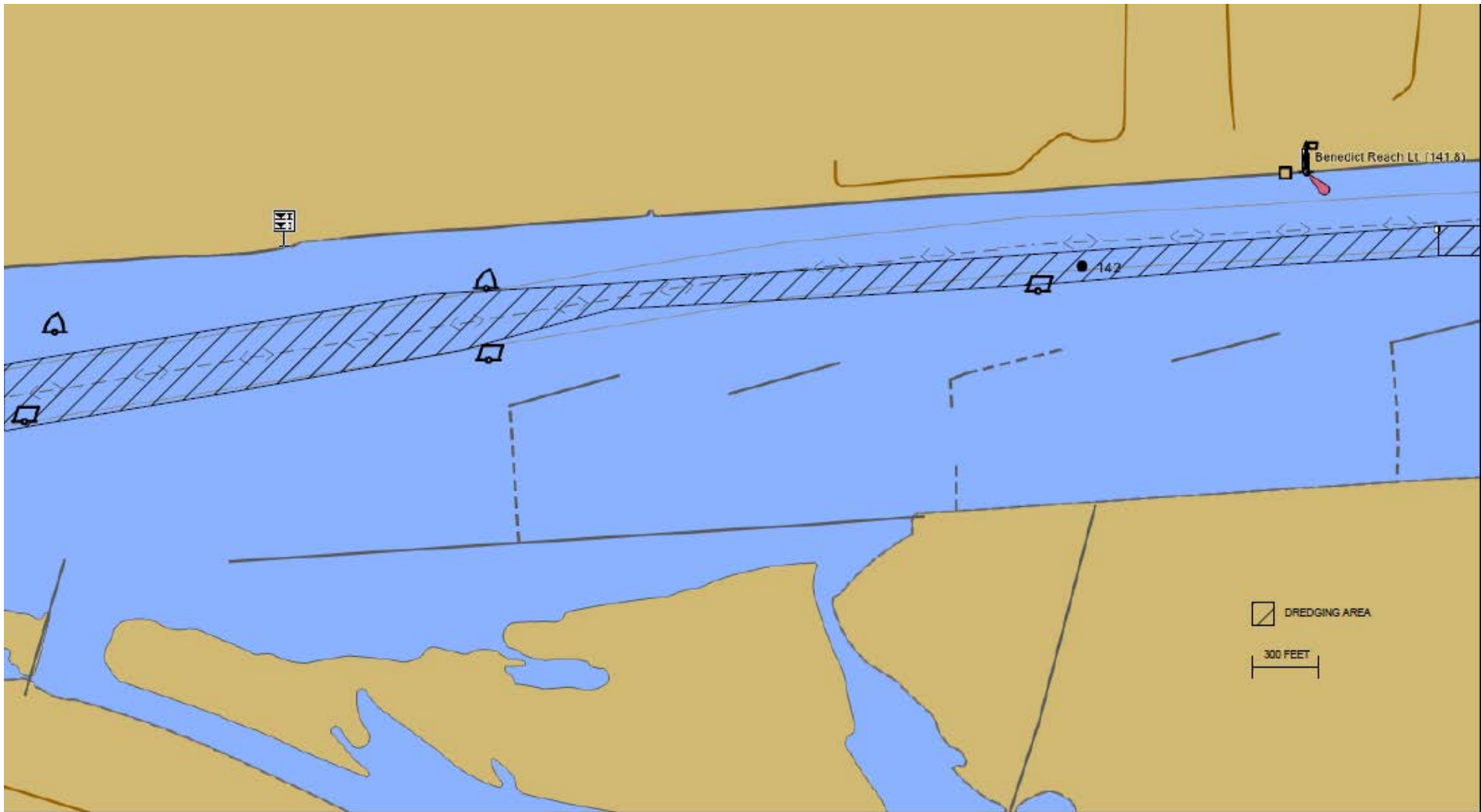
NM 137. This area is to be dredged to 40 feet, typically, dependent on the channel depths adjacent to the area.



NM 138. This area is to be dredged to 40 feet, typically, dependent on the channel depths adjacent to the area.

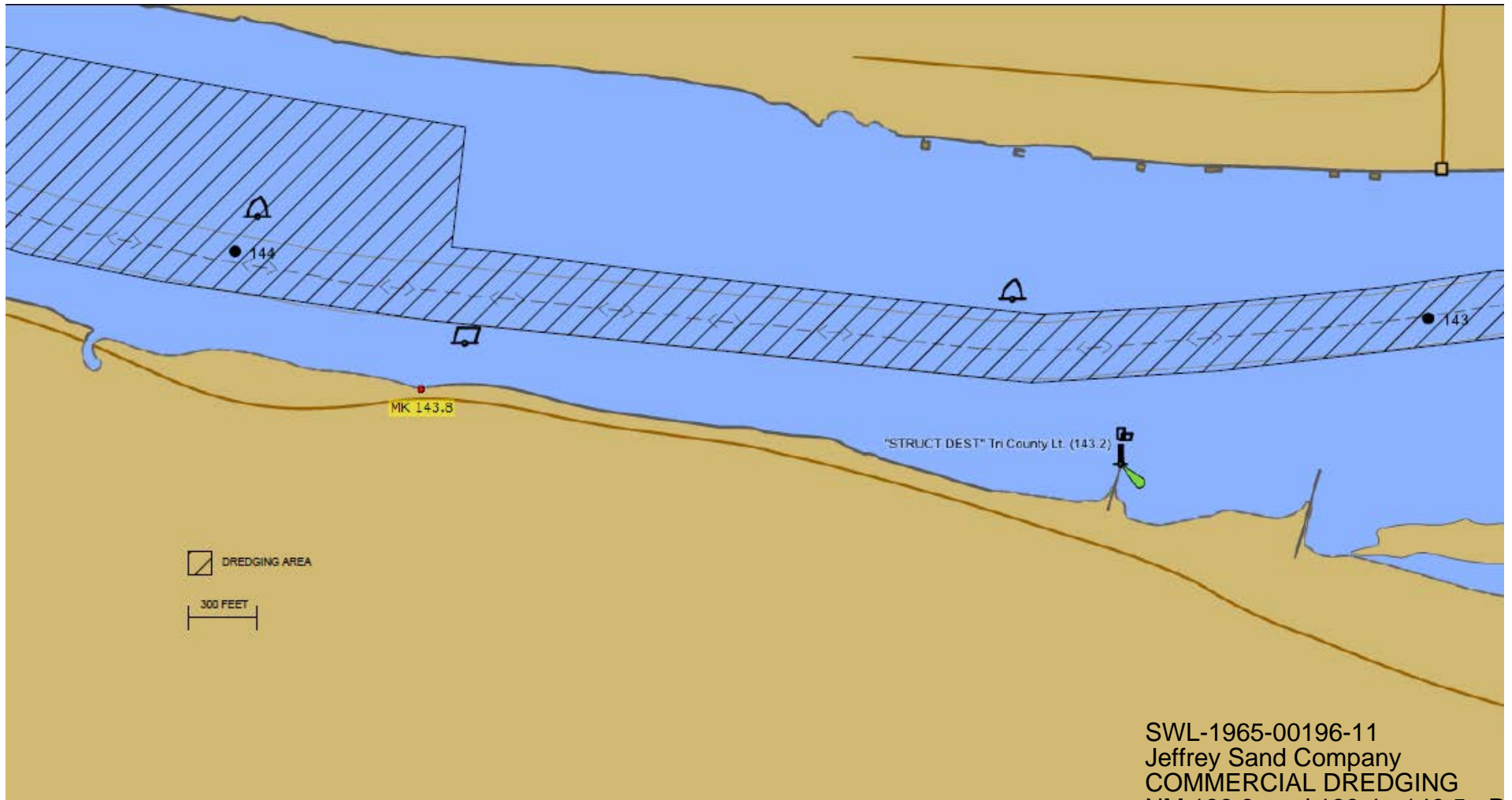


NM 139.4 to NM 140.7 is to be dredged to 40 feet, typically, dependent on adjacent channel depth. NM 140.7 to NM 143.8 is typically dredged to 40 feet.



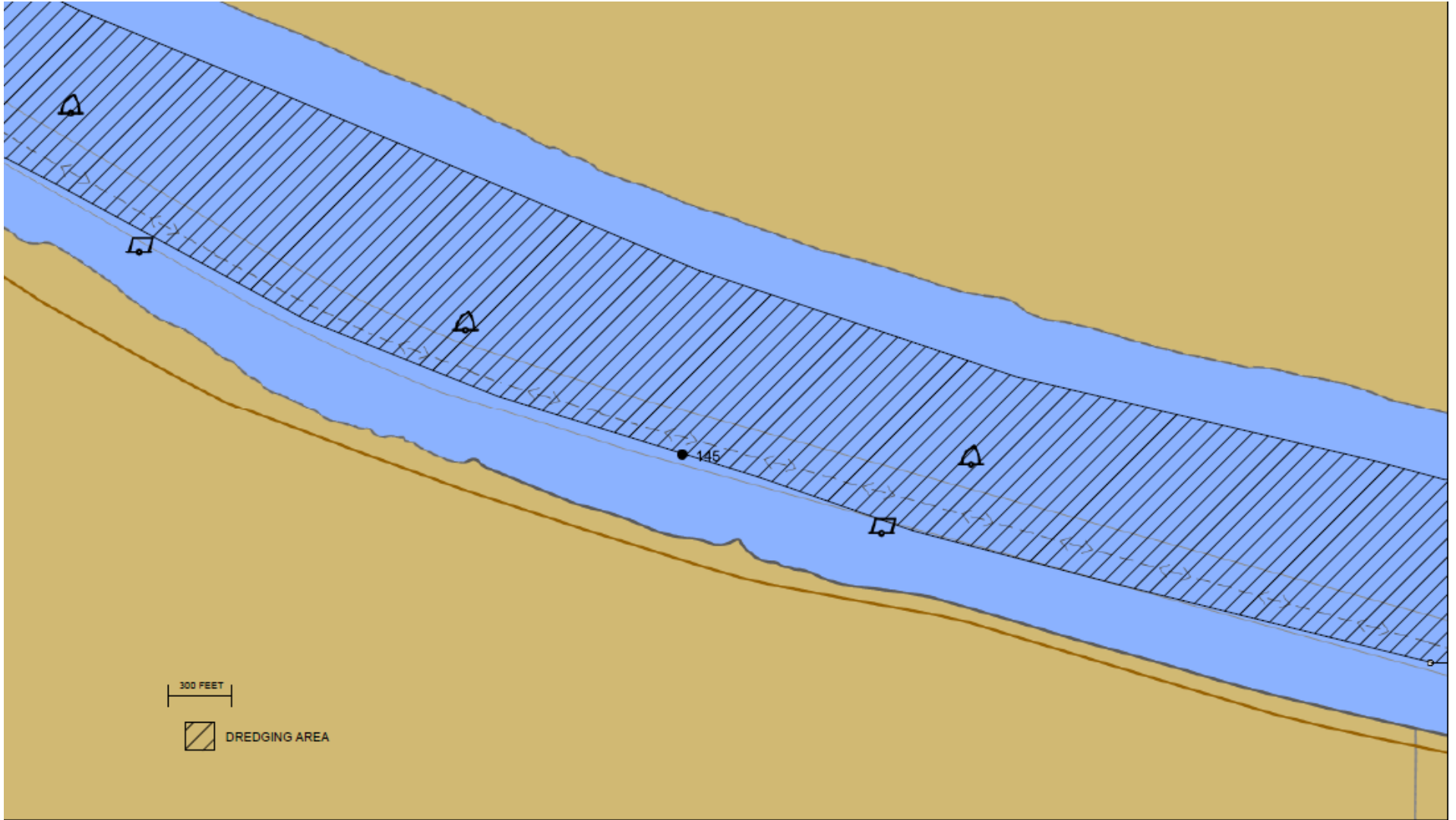
NM 142. This area is to be dredged to 40 feet, typically.

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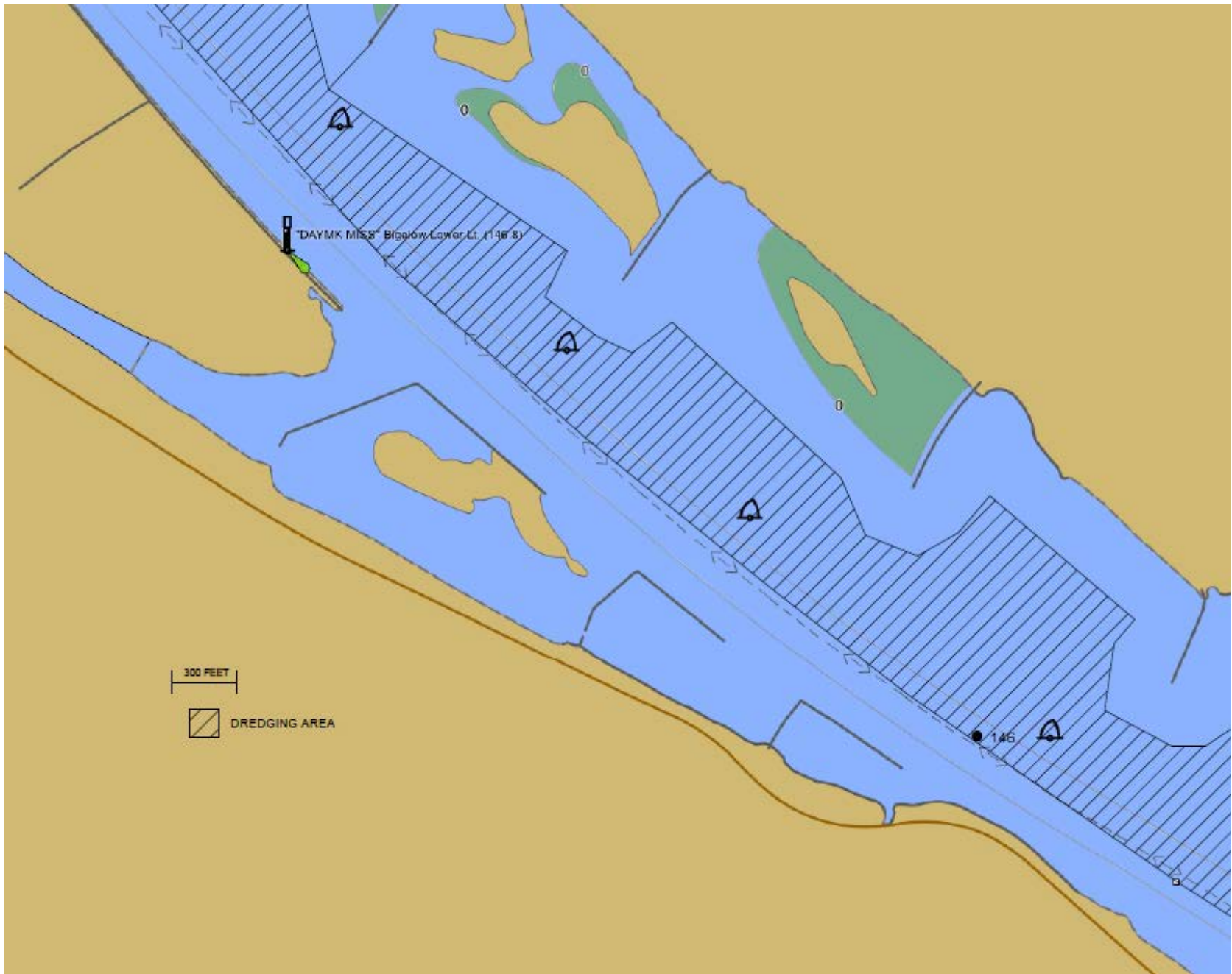
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 NM 138.9, and 139.4 - 149.5 - Pool 7
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NM 140.7 to NM 143.8 is to be dredged to 40 feet, typically. NM 143.8 to NM 147.6 is to be dredged to 40 feet, typically, dependent on adjacent channel depth.

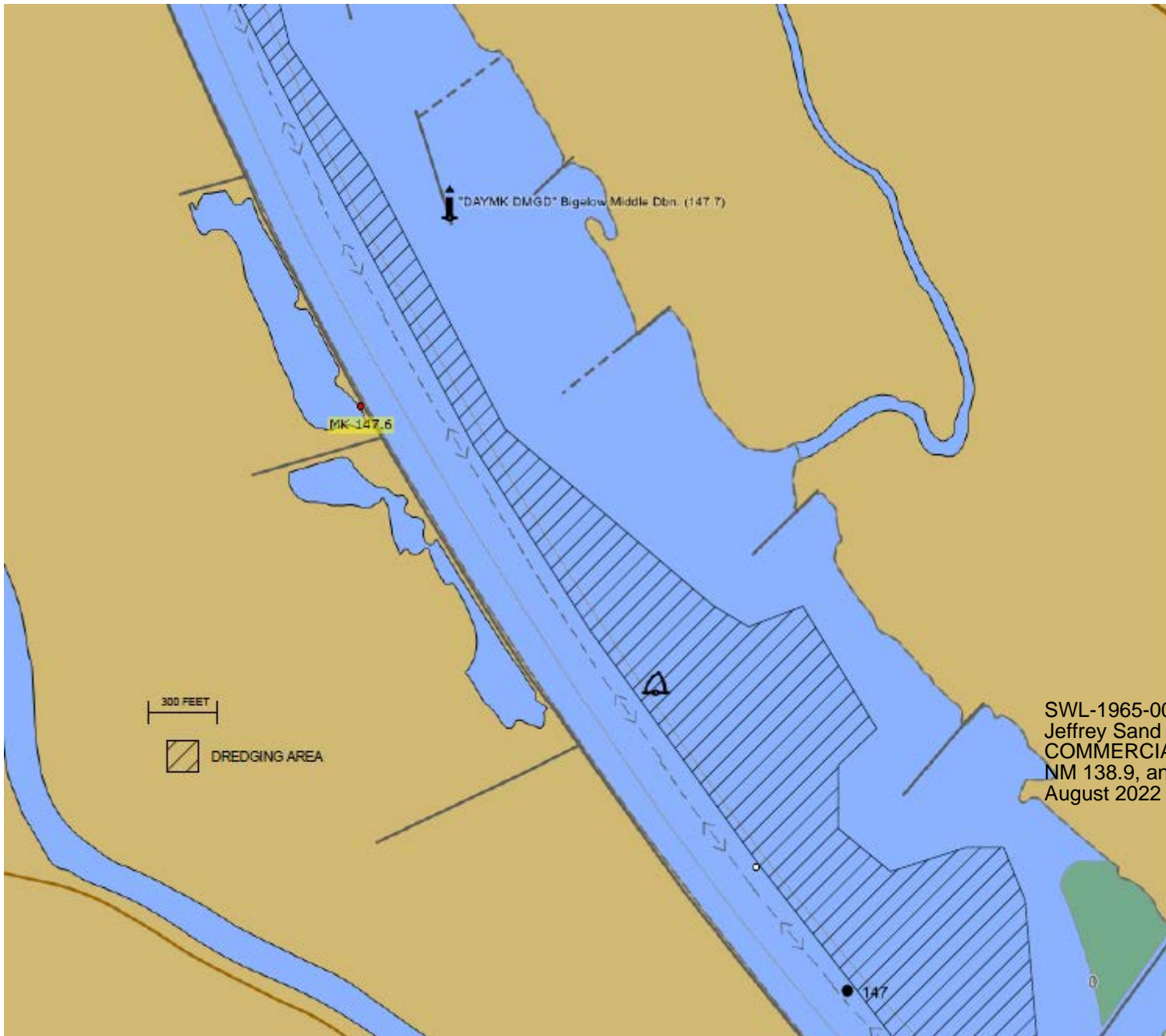


NM 145. This area is to be dredged to 40 feet, typically, dependent on the channel depths

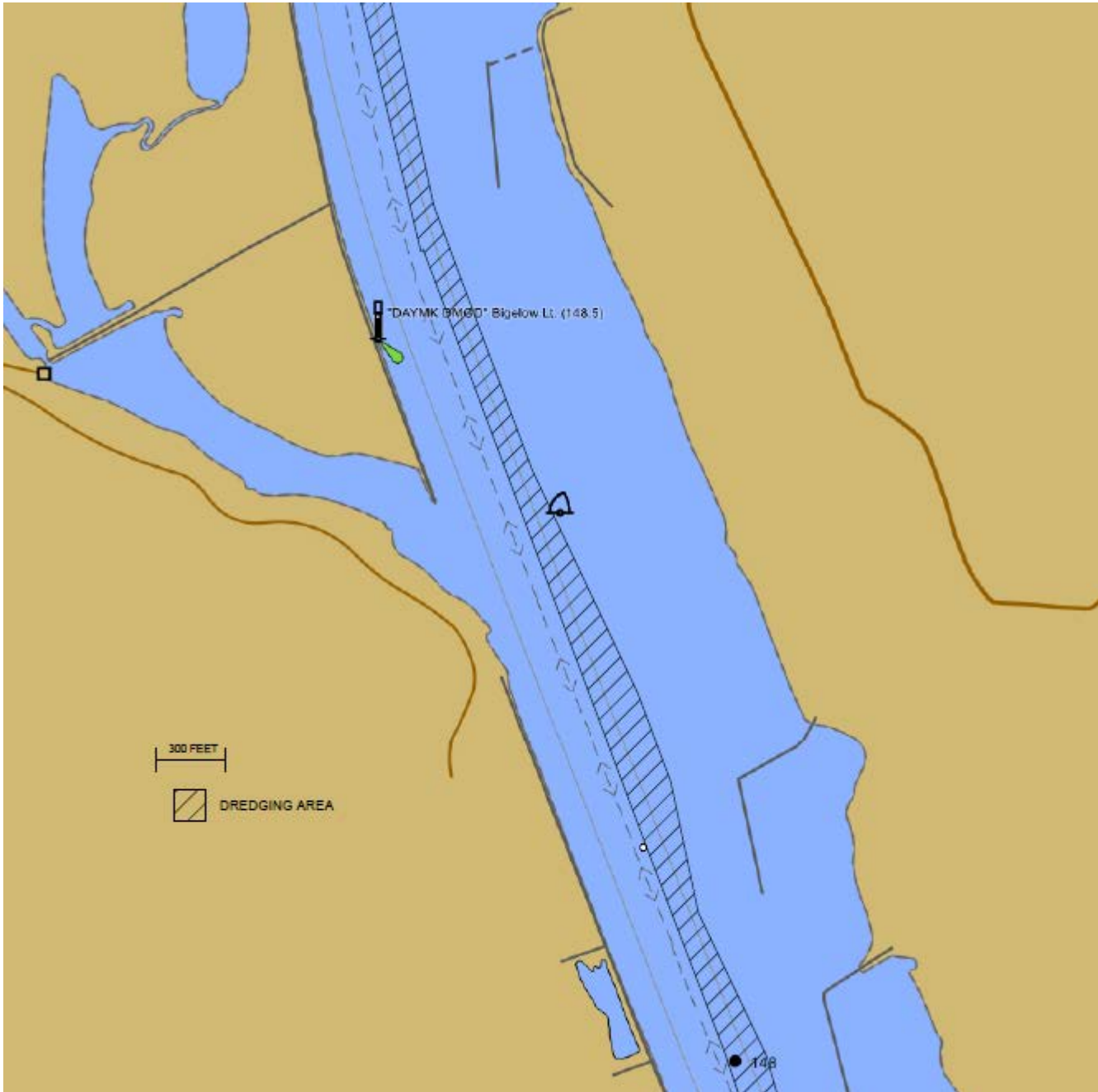
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NM 138.9, and 139.4 - 149.5 - Pool 7
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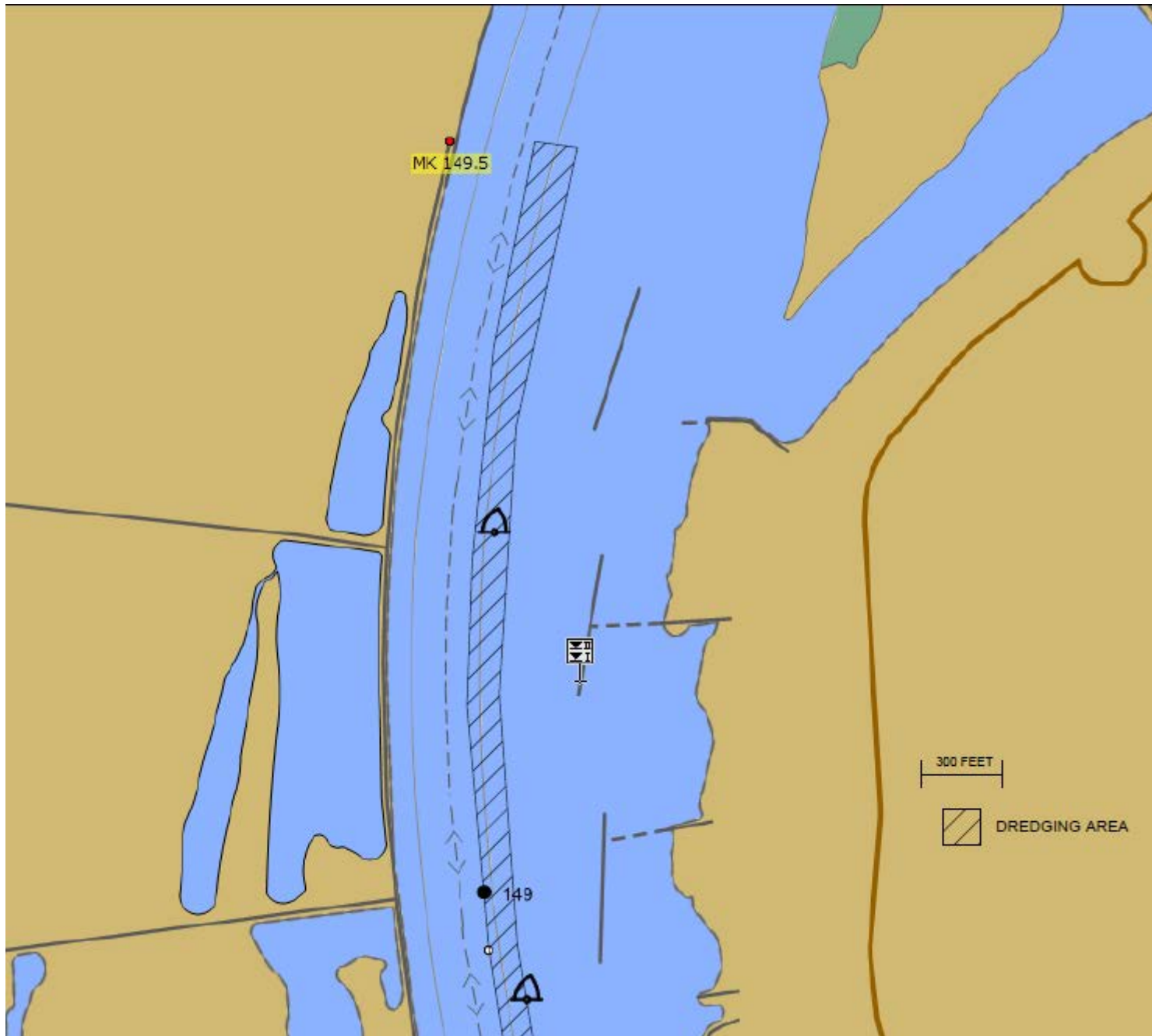
NM 146. This area is to be dredged to 40 feet, typically, dependent on the channel



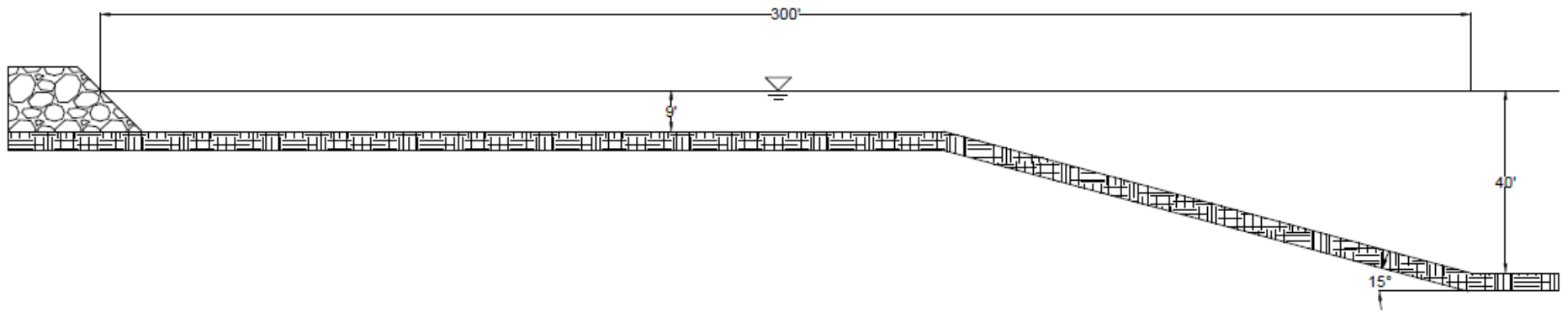
NM 143.8 to NM 147.6 is to be dredged to 40 feet, typically, dependent on adjacent channel depth. NM 147.6 to NM 149.5 is to be dredged to 40 feet, typically.



NM 147.6 to NM 149.5 is to be dredged to 40 feet, typically.



NM 147.6 to NM 149.5 is to be dredged to 40 feet, typically.



Typical cross-section of a dredging area.