



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-1967-00029-24

Date: October 17, 2023

Comments Due: November 13, 2023

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, Emily Edwards, telephone number: (501) 340-1374, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Emily.L.Edwards@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
Mobley Construction Company
P.O. Box 9054
North Little Rock, Arkansas 72119**

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with the continuation of their commercial sand and gravel dredging operations. The proposed project is located in the Arkansas River, between Navigation Miles (NM) 149.5 and 153.5, 156.7 and 164.2, 165.6 and 176.3, 177.4 and 204.8, and 206.0 and 255.8, in Franklin, Logan, Johnson, Faulkner, Perry, Conway, Yell, and Pope Counties, in Arkansas. A commercial dredging permit has been authorized in this reach of the Arkansas River since 1959, and authorized dredging both within the navigation channel and within areas adjacent to the navigation channel. The permit would be extended for a period of five (5) years, through December 31, 2028

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

Dredging operations would be performed with a suction classifier dredge, which returns the unwanted material to the waterway, and with cable cranes and/or hydraulic excavators. The majority of the material would be placed on barges and towed to shore for unloading and subsequent sale for commercial use. Some of the dredged material may be pumped ashore for processing, sale, and commercial use. Dredging in the 250-foot-wide Arkansas River navigation channel would be allowed to any depth. Dredging outside the channel, except between NM 206.0 and 232.3, would be allowed in specific areas provided the bottom of the dredged area is kept 3 feet above the bottom of the adjacent navigation channel. Dredging between NM 206.0 and 232.3 would be allowed to any depth provided the marked navigation channel has a bottom

elevation of 320 feet or below. If the navigation channel bottom is above elevation 320 feet mean sea level, adjacent dredged areas would have a bottom elevation which is at least 3 feet above the bottom of the marked navigation channel.

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. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. 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 **November 13, 2023**. 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

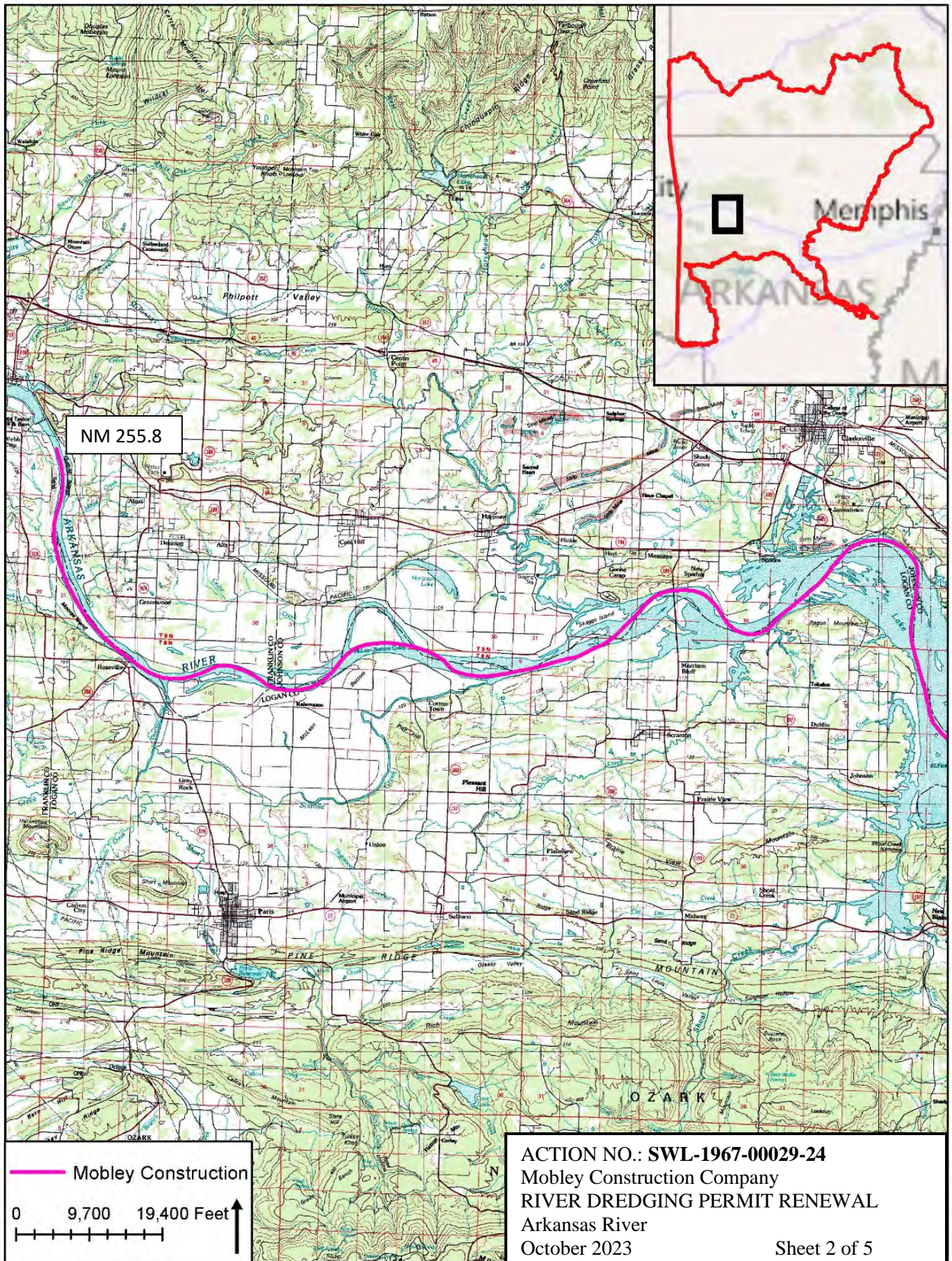
Approximate Coordinates of Project Center

Latitude: **35.21716**

Longitude: **-93.14504**

UTM Zone: **15N**

North: **3897136** East: **486800**



NM 255.8

— Mobley Construction

0 9,700 19,400 Feet

ACTION NO.: SWL-1967-00029-24
Mobley Construction Company
RIVER DREDGING PERMIT RENEWAL
Arkansas River
October 2023

Sheet 2 of 5

