



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-1992-11145-9

Date: May 23, 2023

Comments Due: June 16, 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, 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), notice is hereby given that

**Hillard's Farms
PO Box 108
Ozark, Arkansas 72949-0108**

has requested authorization for work in waters of the United States associated with a time extension of an existing permit that authorizes the removal of sand and gravel from a dike field along the Arkansas River. The proposed project is located on the right descending bank of the Arkansas River, Navigation Miles 252.9 to 254.0, in sections 24 and 25, T. 9 N., R. 27 W., near Ozark, Franklin County, Arkansas.

The project purpose is to remove sand and gravel for processing and subsequent individual and commercial use. Removal of the material deposited by the river will be transported by dump truck for processing and subsequent sale.

The removal would be accomplished with a front-end loader, backhoe, or drag line as appropriate for the conditions and material encountered. Sand and gravel removal operations have been permitted in this area since 1993. Normal yearly excavation is approximately 30,000 cubic yards of material.

The following limits and conditions would remain if the permit is extended to protect the existing Corps structures:

1. Removal of sand and gravel shall be only in those areas shown on Sheet 5 of 5. The top of the cut shall be 200 feet or more from the stone in the revetments and dikes, 200 feet from the original top bank, and 200 feet from the channel control line.
2. The bottom of the excavation shall be at elevation 345.0 feet National Geodetic Vertical Datum or above.

3. The side slopes of the excavated areas shall be 1V:3H or flatter.

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.

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 **June 16, 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

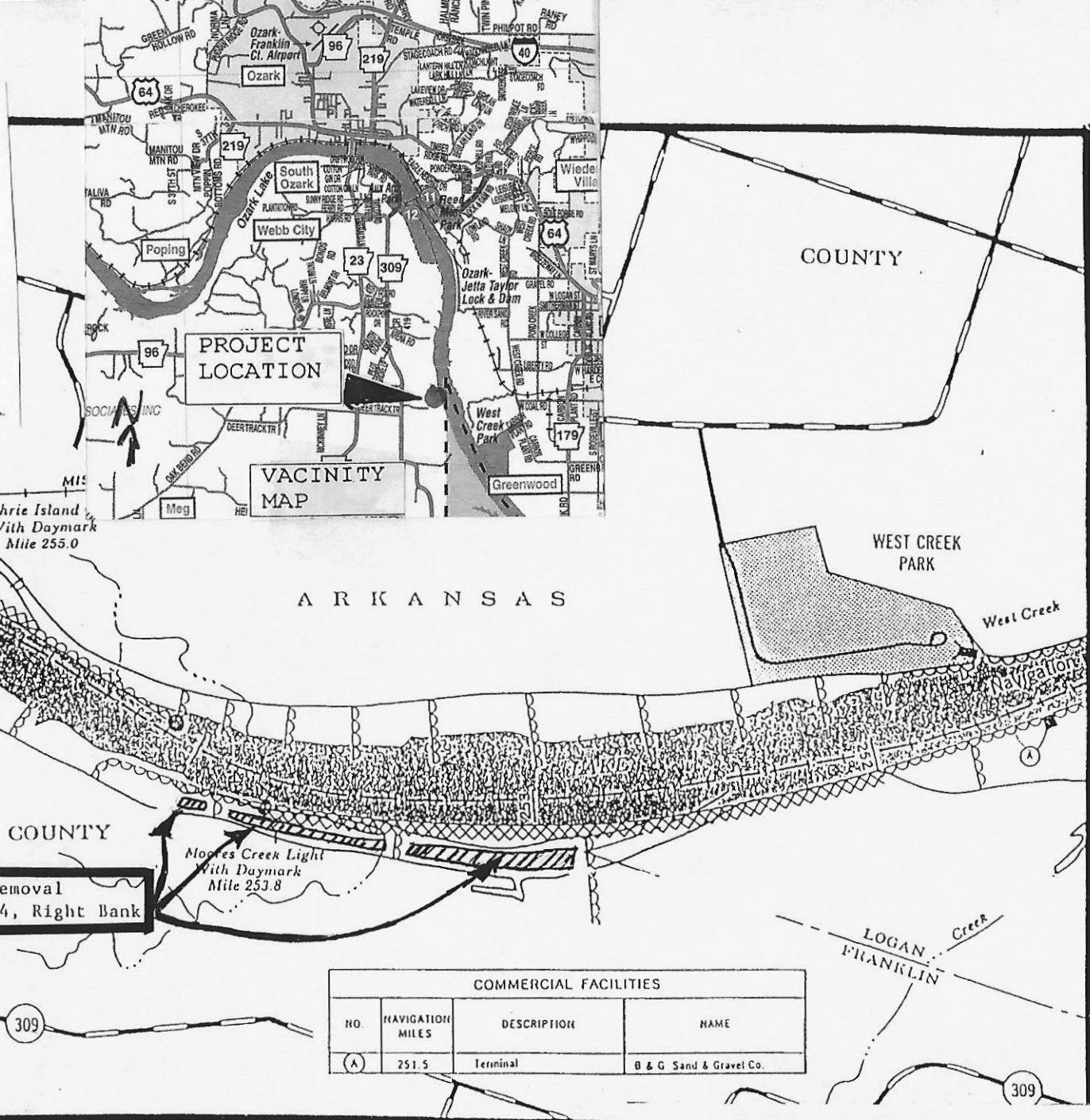
Approximate Coordinates of Project Center

Latitude: **35.422481**

Longitude: **-93.808078**

UTM Zone: **15N** North: **426641**

East: **3920196**



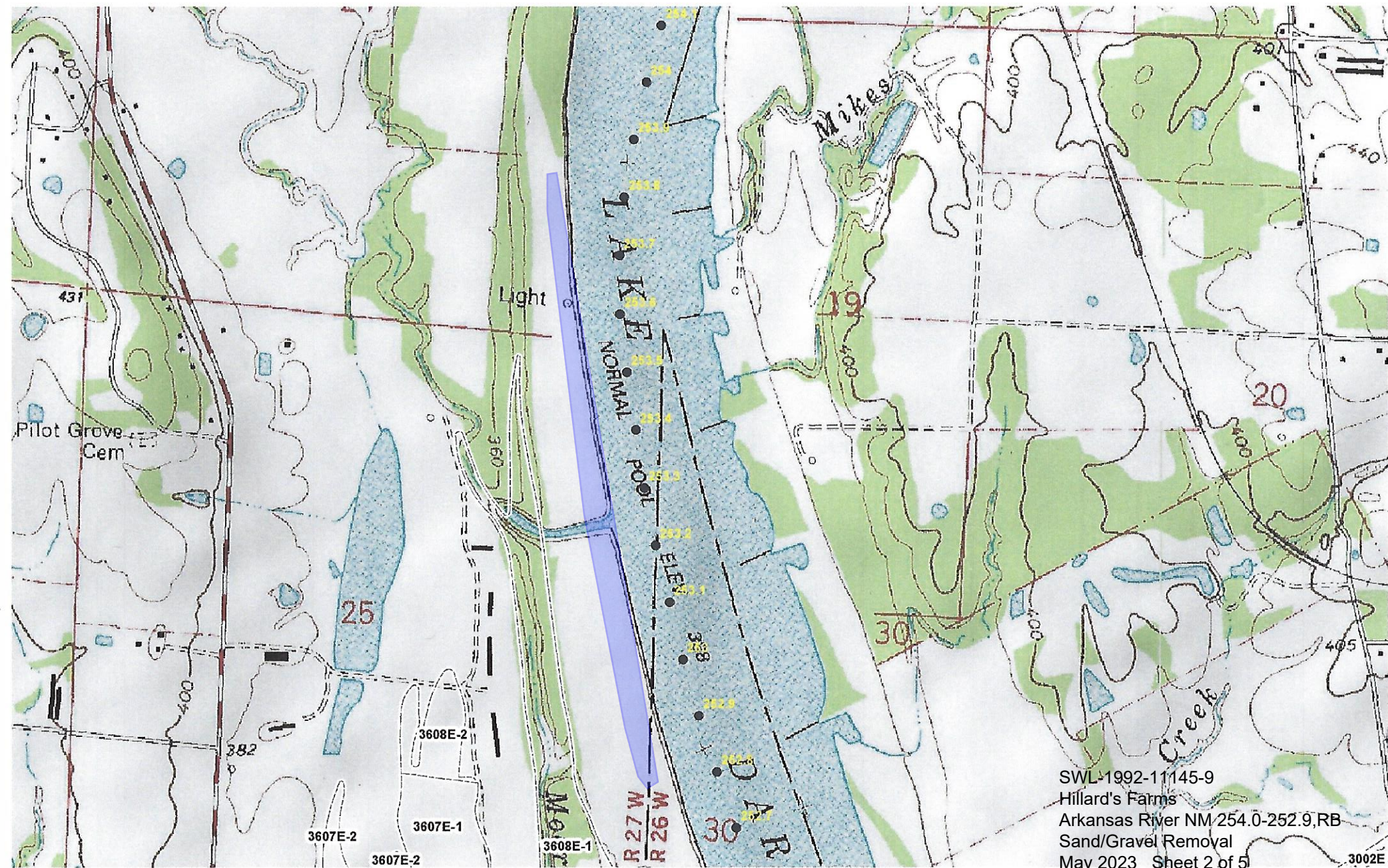
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Hillard's Farms

SAND AND GRAVEL REMOVAL

Arkansas River 252.9 to 254.0 RB

May 2023 Sheet 1 of 5

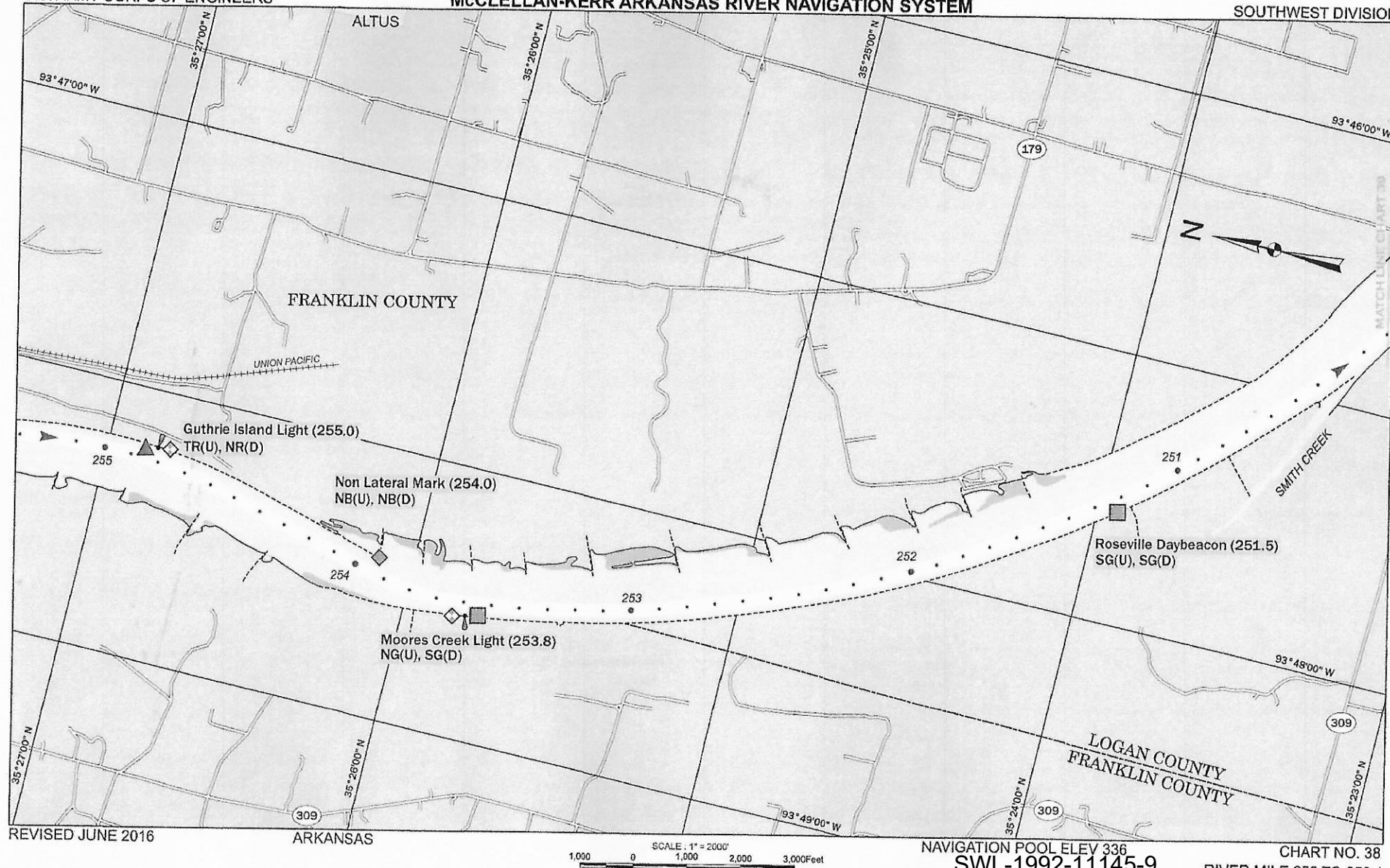


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Hillard's Farms
Arkansas River NM 254.0-252.9, RB
Sand/Gravel Removal
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U.S. ARMY CORPS OF ENGINEERS

McCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM

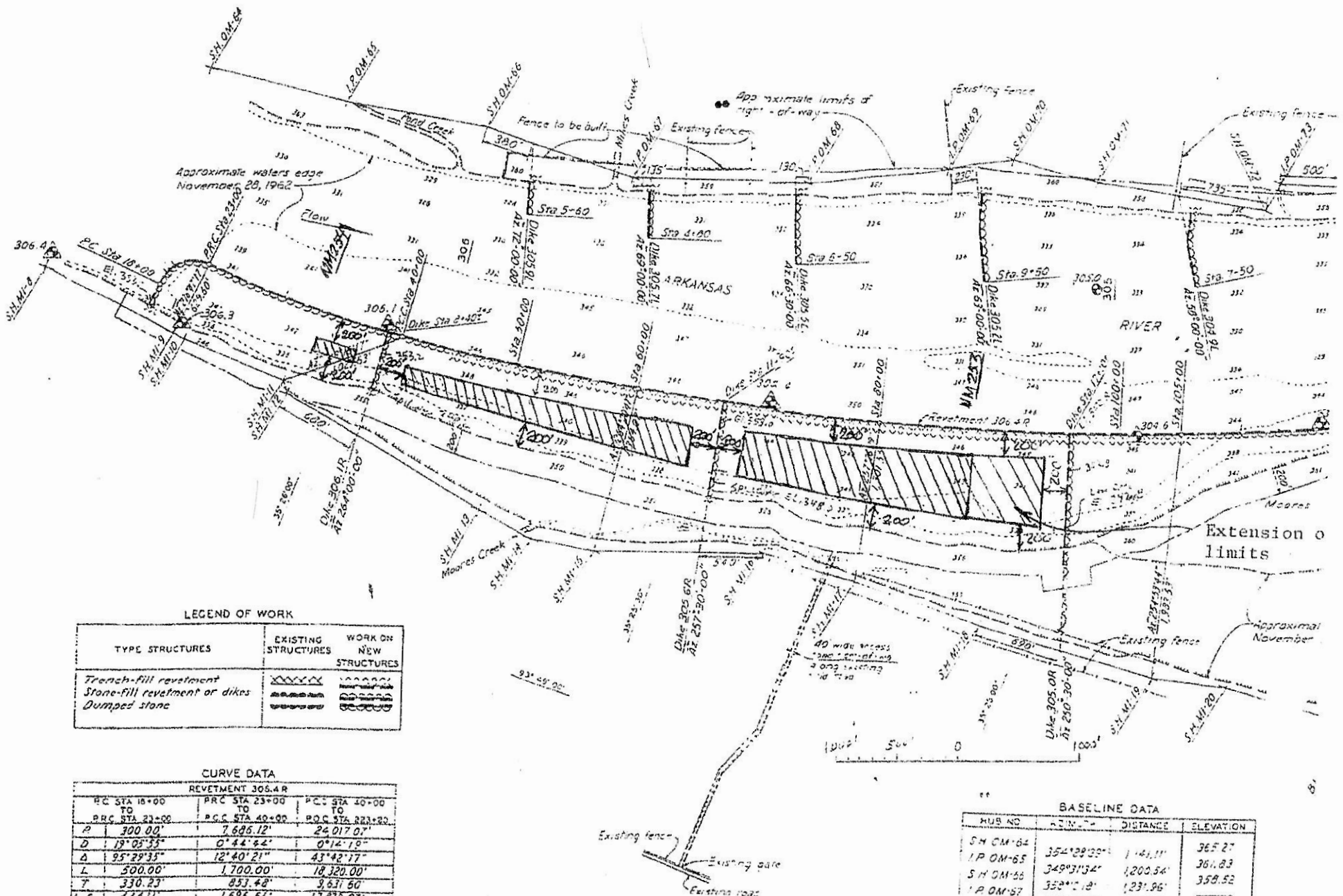
SOUTHWEST DIVISION



NAVIGATION POOL ELEV 336
SWL-1992-11145-9

CHART NO. 38
RIVER MILE 055 TO 052.9

Hillard's Farms
Arkansas River NM 254.0 - 252.9,RB
Sand/Gravel Removal
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Sand and gravel removal in hatched areas only

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Hillard's Farms
SAND AND GRAVEL REMOVAL
Arkansas River, NM 252.9 to 254.0, RB
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