



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL 2001-17396-4

Date: October 5, 2021

Comments Due: November 1, 2021

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, Gerald Dickson, telephone number: (501) 340-1372, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Gerald.W.Dickson@usace.army.mil

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

**Mr. Troy Robertson
B & B Materials, LLC
505 West Dixon Road
Little Rock, Arkansas 72206**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the removal of an earthen berm, which currently separates the B & B Materials, LLC (B & B) mining operations from a 53-acre tract of land east of the existing operational site, for future mining operations. The proposed project is located in wetlands connected to an open water feature adjacent to the Arkansas River (Jones Cutoff near Willow Beach), Navigation Mile 111.2 on the left descending bank, in sections 12 & 13, T. 1 N., R. 11 W., North Little Rock, Pulaski County, Arkansas.

The project purpose consists of the removal of an earthen berm that currently separates an ongoing sand and gravel removal operation from an approximately 53-acre tract that B & B plans on expanding their current operations to include this area. The berm measures approximately 1,563 feet in length and contains approximately 9.6 acres of scrub shrub wetlands that will be impacted by the project. A minimum of 100 feet of buffer zone will be maintained in the northern, southern, and eastern boundaries, so as not to encroach into any surrounding water bodies.

Removal of the wetland and non-wetland vegetated areas will be accomplished using a swamp buggy type excavator, with dirt and vegetation removed via dump trucks. The dirt and aggregate from the excavated spoil will be separated at the existing sorting plant, with sand and gravel being sold as it is currently in the mining operation. Tree and other woody debris will be stored on B & B's northern adjacent property, and ultimately hauled to a landfill for proper disposal. Once the surrounding vegetation has been removed, the berm itself will be breached. Excavators and dump trucks will drive down the berm from northern and southern most edges and begin removal of the earthen material from the middle of the berm. Excavated soils, sand and gravel

will be hauled using the dump trucks and processed in the existing facility in the manner described above. Excavation of the berm will continue in stages, working backwards from the middle, until the buffer zone boundaries of the north and south ends are reached. Joining the two water bodies will allow B & B to mine sand and gravel in the 53-acre adjacent property in the same manner as their current operation using a hydraulic floating dredge with a 12-inch discharge pipe with a 2,800 gallons-per-minute capacity. Dredged material will be pumped to the portable classification plant, and separated into aggregate, masonry sand, and concrete sand. Silt may be separated with a cyclone separator. The material is temporarily stored on location and moved off location to various buyers via truck.

The proposed 53-acre tract contains approximately 14.4 acres of wetlands and approximately 28.3 acres of an open water lake/pond. The area appears to have been part of an old oxbow lake that is now separated from Willow Beach Lake to the north/northeast by a dike and from the Arkansas River to the south/southwest by an earthen berm.

Approximately 4.8 acres of wetlands, bordering the northern, eastern, and southern boundaries, will not be disturbed. The applicant is proposing to purchase wetland mitigation credits from a Corps approved mitigation bank to offset the unavoidable wetland impacts associated with the proposed project.

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 August 4, 2021. 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 **November 1, 2021**. 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: **34.720875°**




Longitude: **-92.138251°**

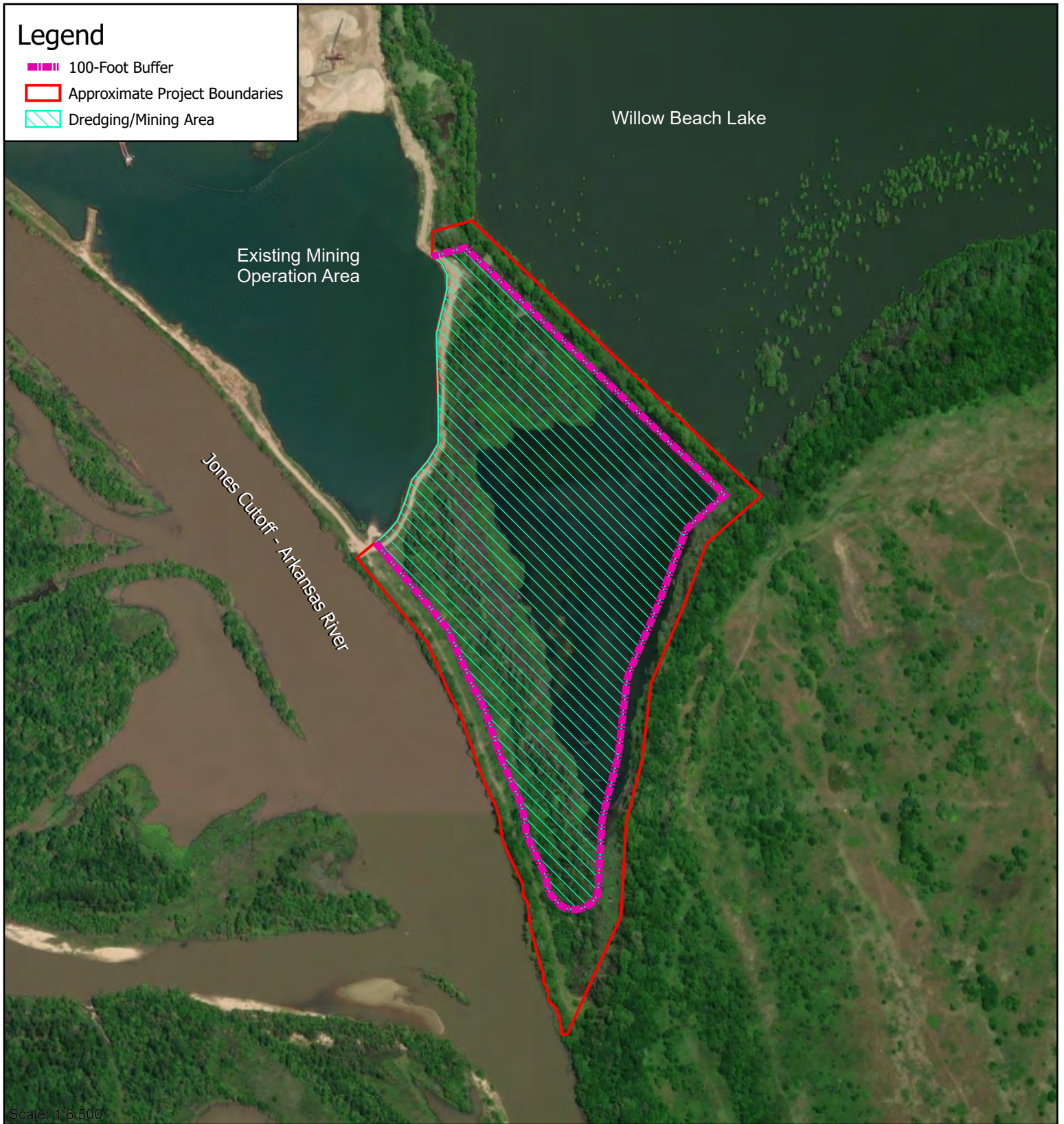
UTM Zone: **15N**

North: **3842427.86**

East: **578903.17**

Legend

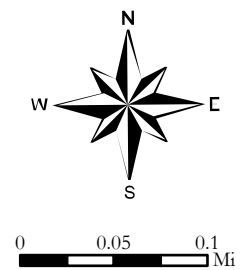
-  100-Foot Buffer
-  Approximate Project Boundaries
-  Dredging/Mining Area



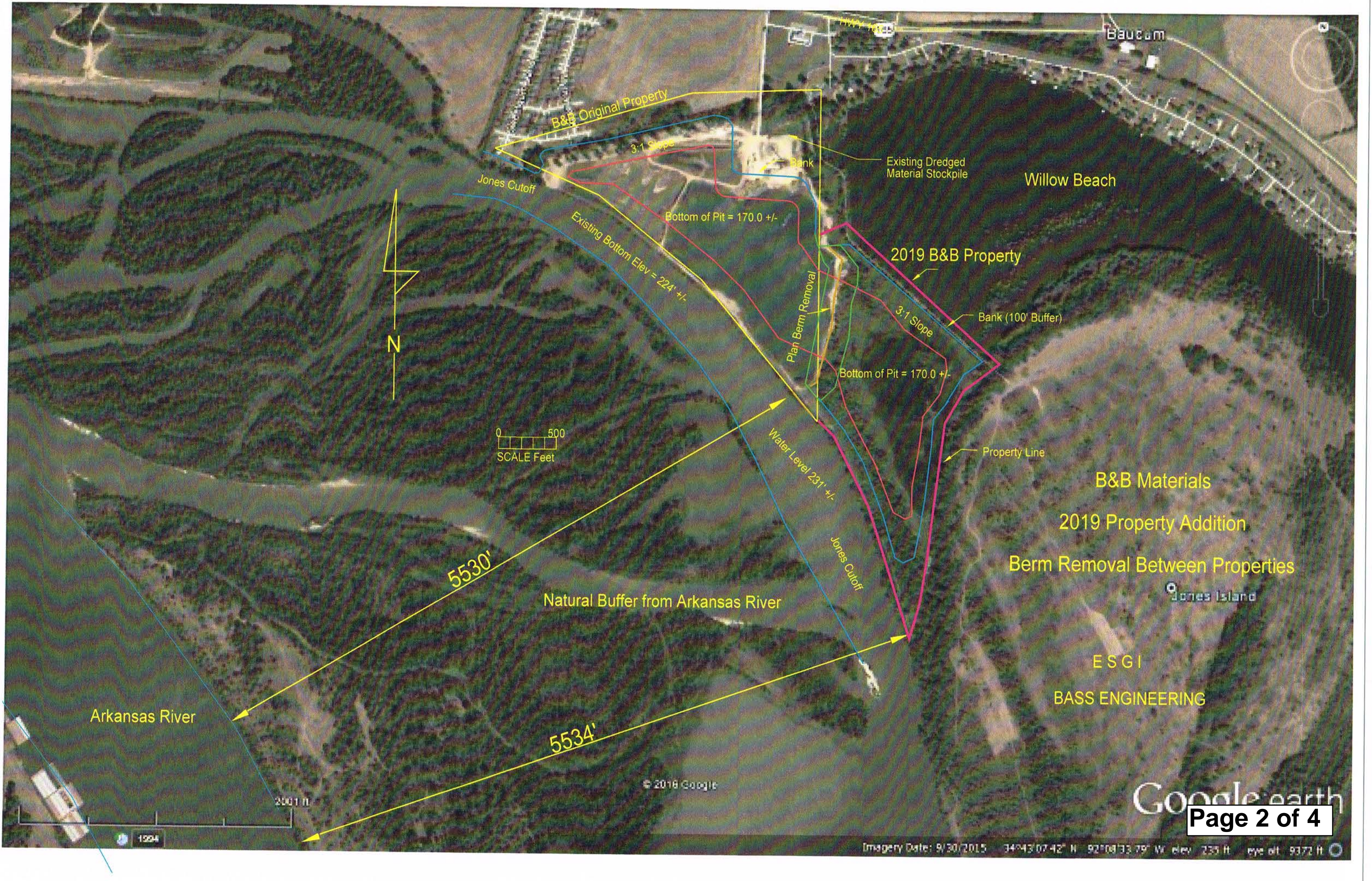
Scale: 1:6,500



ACTION NO. SWL 2001-17396-4
B & B Materials, LLC
Berm Removal/Sand & Gravel Mining
Secs 12 & 13, T. 1 N., R. 11 W
October 2021



Coordinate System: NAD 1983 2011 UTM Zone 15N



B&B Original Property

Willow Beach

Existing Dredged Material Stockpile

2019 B&B Property

Existing Bottom Elev = 224' +/-

Bottom of Pit = 170.0 +/-

Bank (100' Buffer)

Bottom of Pit = 170.0 +/-

Property Line

B&B Materials

2019 Property Addition

Berm Removal Between Properties

Jones Island

ESGI

BASS ENGINEERING

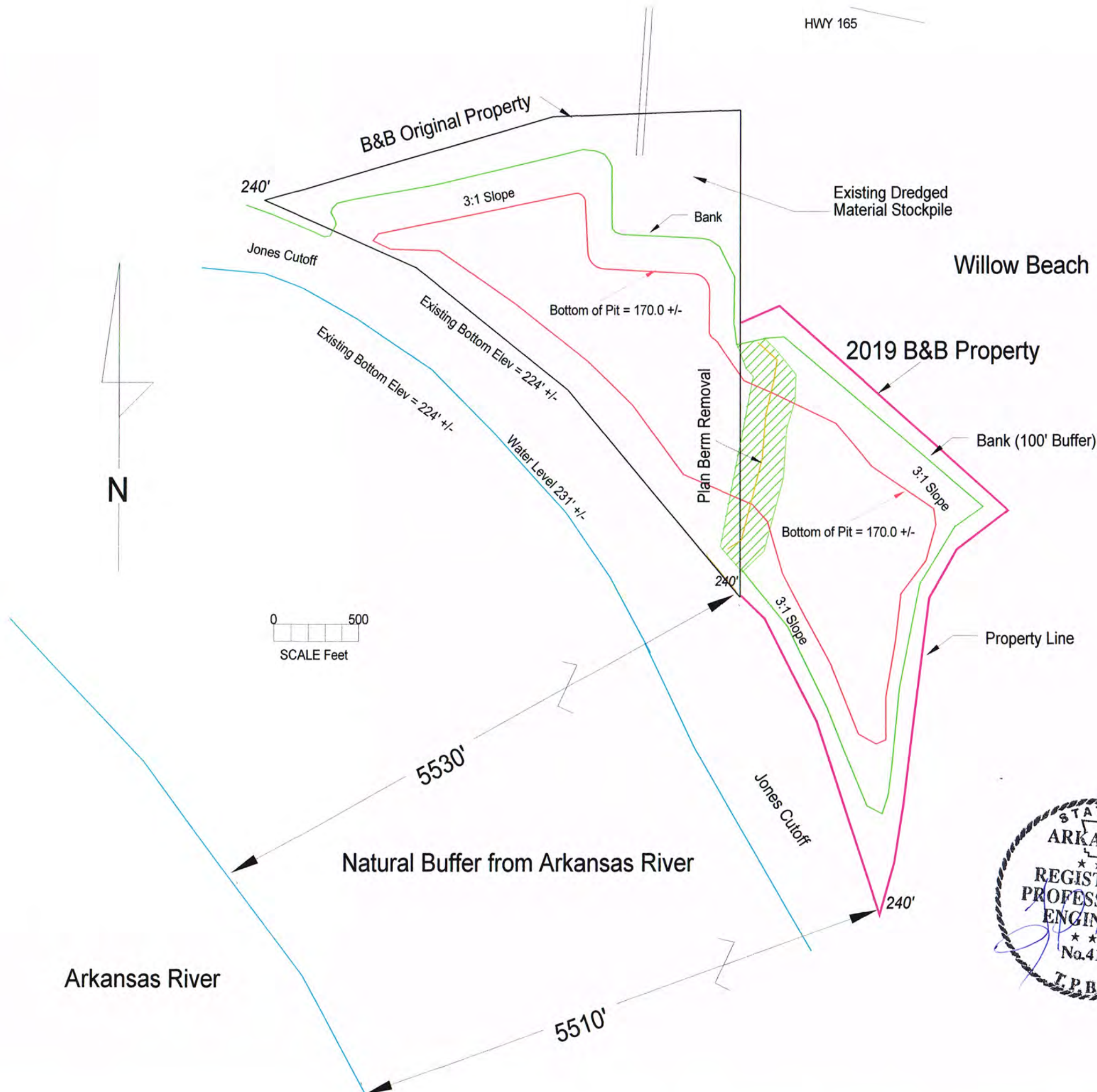
Natural Buffer from Arkansas River

5530'

5534'

Arkansas River

2001 ft



Portable Hydraulic Dredging
 A portable floating dredge will be used for removing material from the existing berm and lake bottom. The dredge floats on the water and pumps the material through a temporary six inch pipeline to the existing offsite stockpile location for processing into granular for sale. The dredge acts like a floating vacuum removing material very precisely. Hydraulic dredges use a discharge line, and possibly a return line, which are the only disturbances to the surrounding environment. The dredge, which is not much larger than a small boat, is the only machine to be used. It is an unobtrusive method that does not require disturbing the shoreline.

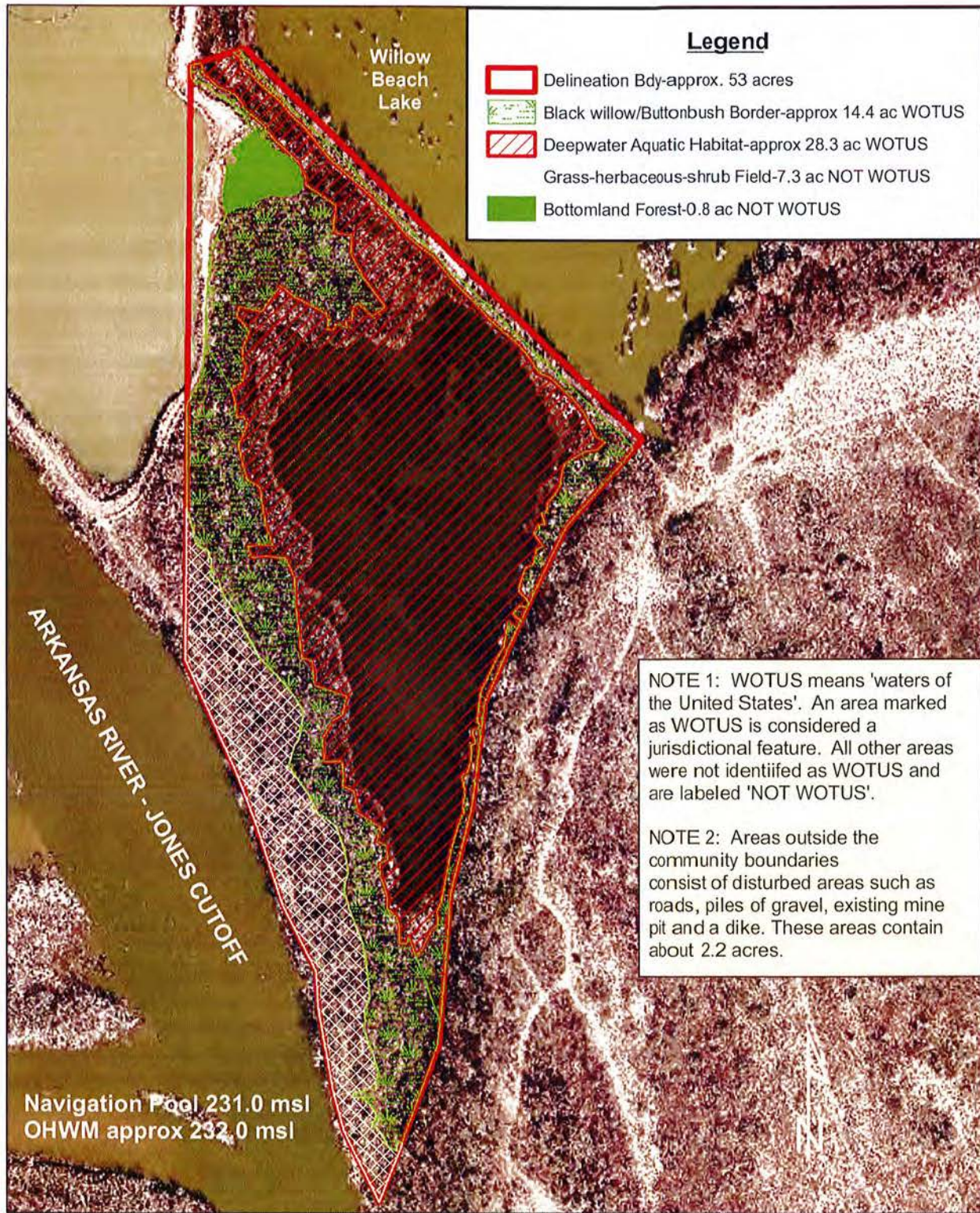
B&B Materials
2019 Property Addition
Berm Removal Between Properties



ESGI

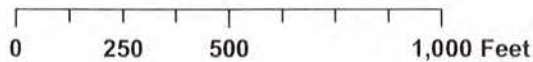
BASS ENGINEERING

Design By: TP BASS PE Date Mar



Navigation Pool 231.0 msl
OHWM approx 232.0 msl

COMMUNITY and DELINEATION MAP
2018 Aerial



NOTE 1: WOTUS means 'waters of the United States'. An area marked as WOTUS is considered a jurisdictional feature. All other areas were not identified as WOTUS and are labeled 'NOT WOTUS'.

NOTE 2: Areas outside the community boundaries consist of disturbed areas such as roads, piles of gravel, existing mine pit and a dike. These areas contain about 2.2 acres.

B & B Materials
Preliminary WOTUS Delineation
Arkansas River Navigation Mile 111.5 Left Bank
Pulaski County, Arkansas
Sheet 10 of 10 January 25, 2021