



US Army Corps
of Engineers®

PUBLIC NOTICE

Permit Application No. SWL 1937-00032-16

Published: October 20, 2025

Expires: November 14, 2025

TO WHOM IT MAY CONCERN: The Little Rock District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit 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). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Mr. Andy Peeples
Arkholia Sand and Gravel Company
1010 Frontier Road
Barling, Arkansas 72923

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with the Arkansas River. The proposed project is located in the Arkansas River between Navigation Miles (NM) 293.3 and 308.5, near Fort Smith, Crawford County, Arkansas. The location and general plan for the proposed work are shown on the enclosed sheets.

EXISTING CONDITIONS: The proposed project has had a Department of the Army Permit for dredging operations in these reaches since 1975.

PROJECT PURPOSE:

Basic: The basic purpose is to supply aggregate for commercial use.

Overall: The overall project purpose is to remove the material deposited in the Arkansas River and transport it by barge for processing and subsequent sale.

PROPOSED WORK: 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 the applicant has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with a 5-year extension of the applicant's Department of the Army permit to authorize the commercial dredging of sand and gravel below the ordinary high water mark of the Arkansas River. The work consists of a commercial sand and gravel dredging operation. The company dredges sand and gravel by using a floating plant and places the dredged material ashore for commercial purposes. Dredging is permitted both in and out of the navigation channel from NM 293.3 to NM 295.8, NM 296.3 to NM 299.6, NM 300.9 to NM 301.9, NM 302.2 to NM 305.7. Dredging is permitted within the navigation channel

only from NM 295.8 to NM 296.3, NM 299.8 to NM 300.3, NM 300.5 to NM 300.7, NM 301.9 to NM 302.2, and NM 305.7 to NM 308.5.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Dredging is limited to the approved project area and restrictions on where the dredging operations can occur will be put in place.

COMPENSATORY MITIGATION: 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.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective November 27, 2023, 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 solely 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, the Corps and the Arkansas Department of Energy and Environment, Division of Environmental Quality have determined the reasonable period of time for the certifying agency to act upon the certification request is 180 days once the applicant submits a certification request to the certifying agency. 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection

Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Little Rock District will receive written comments on the proposed work, as outlined above, until November 14, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Gerald Dickson at Gerald.W.Dickson@usace.army.mil. Alternatively, you may submit comments in writing to Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867. Please refer to the permit application number in your comments.

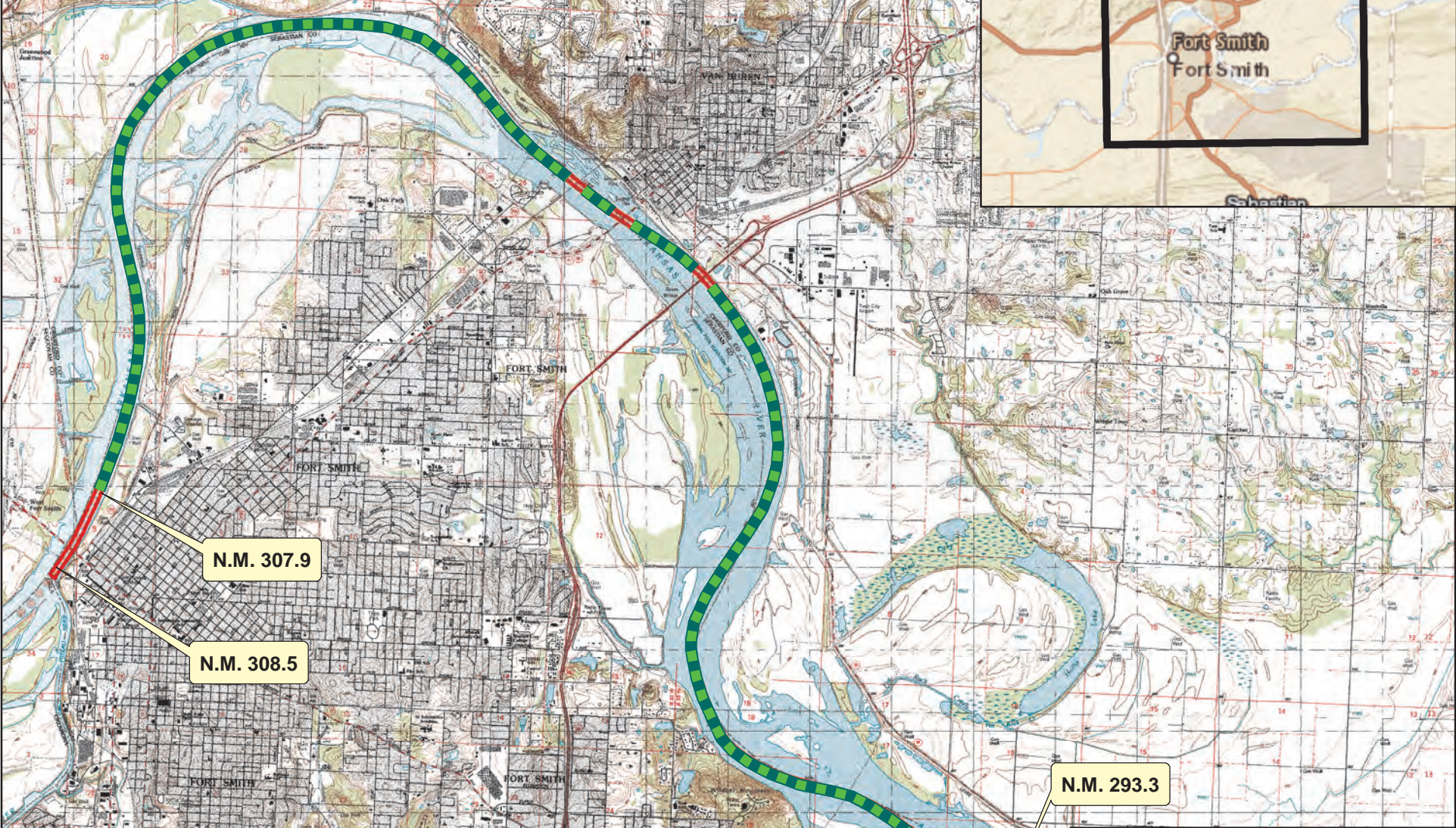
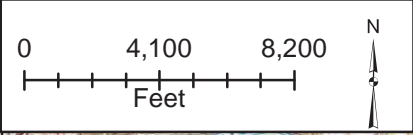
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

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: **35.424955°** Longitude: **-94.350368°**



N.M. 307.9

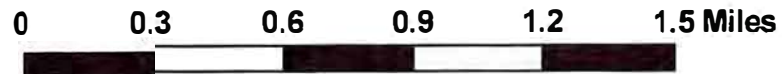
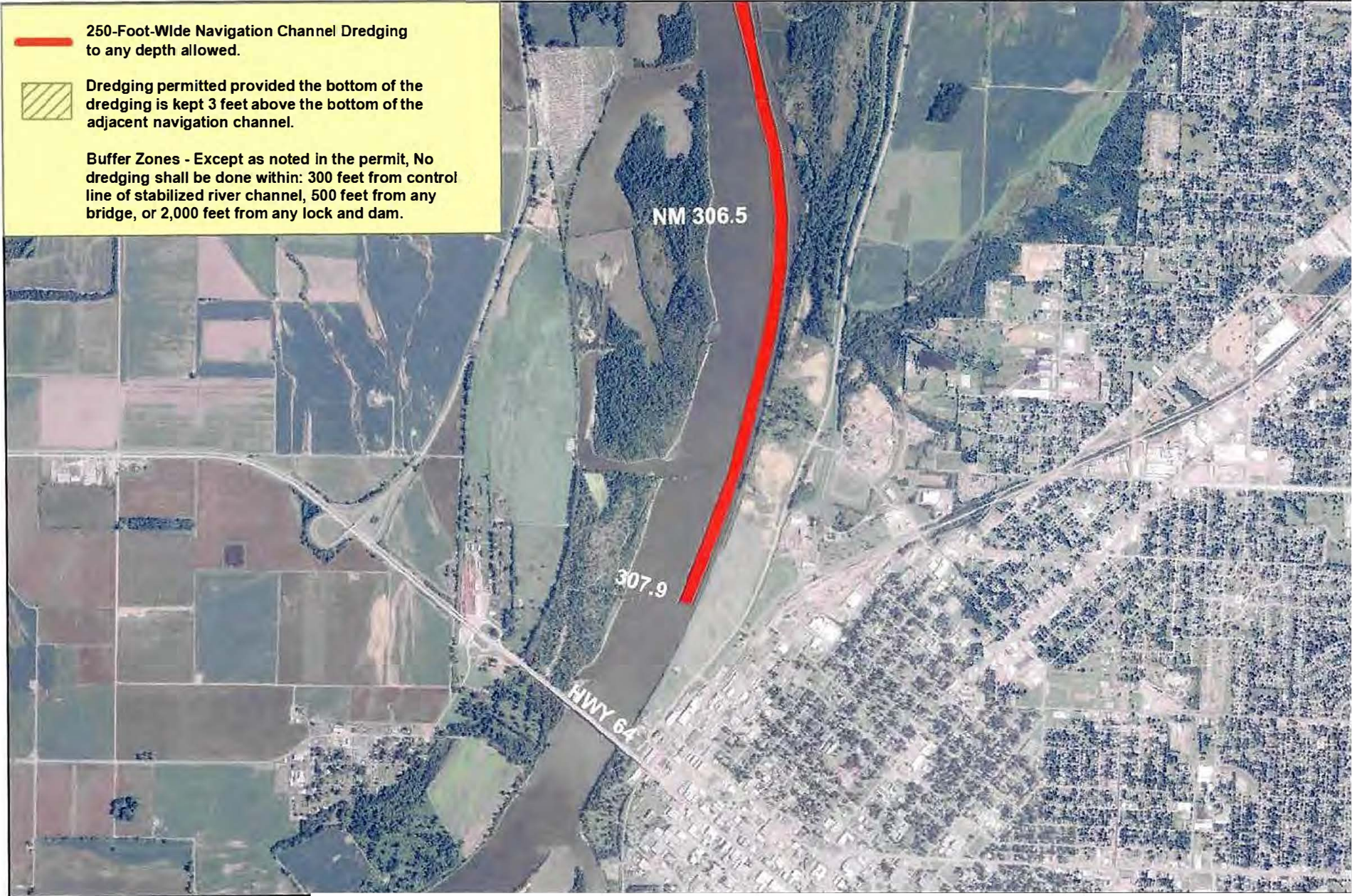
N.M. 308.5

N.M. 293.3

Legend


- Dredging Reach
- Navigation Channel


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Arkholo Sand & Gravel Co.
Dredging N.M. 293.3 - 308.5
Crawford & Sebastian Counties
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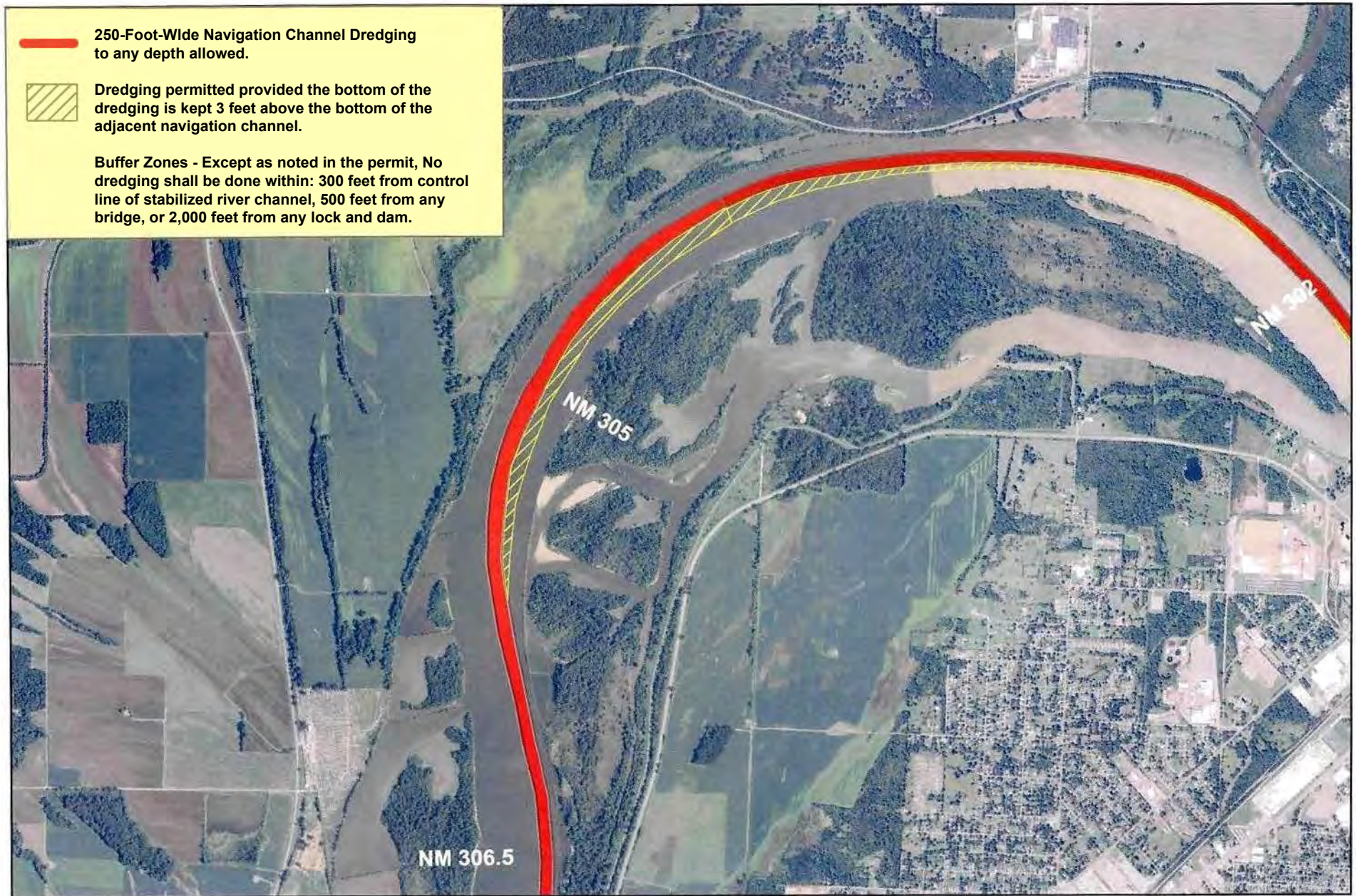
Updated 2020

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 250-Foot-Wide Navigation Channel Dredging to any depth allowed.

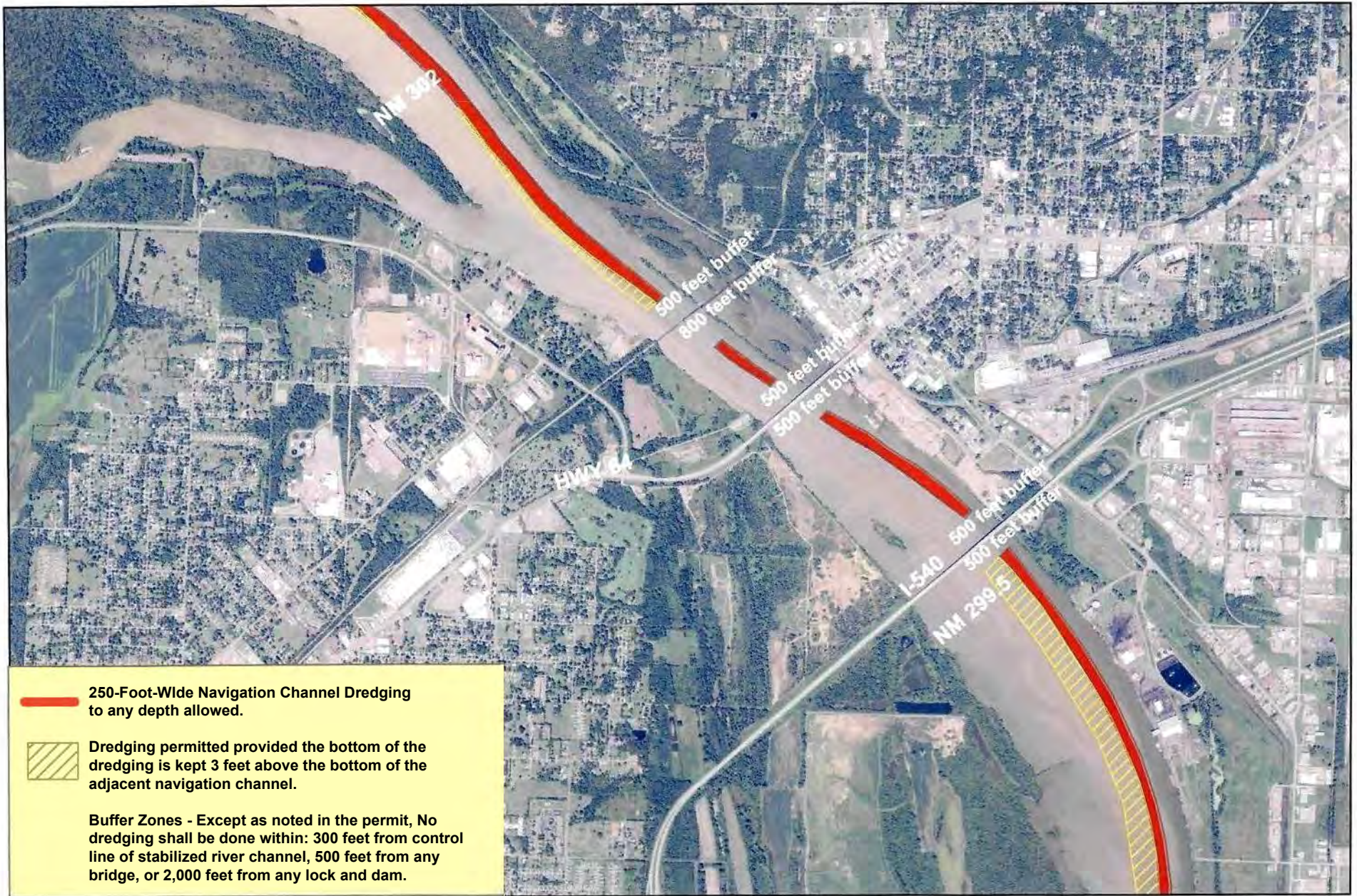
 Dredging permitted provided the bottom of the dredging is kept 3 feet above the bottom of the adjacent navigation channel.


Buffer Zones - Except as noted in the permit, No dredging shall be done within: 300 feet from control line of stabilized river channel, 500 feet from any bridge, or 2,000 feet from any lock and dam.




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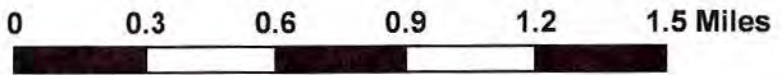
Updated 2020



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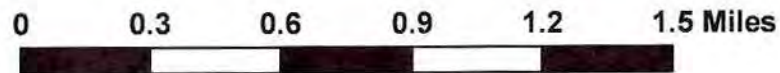
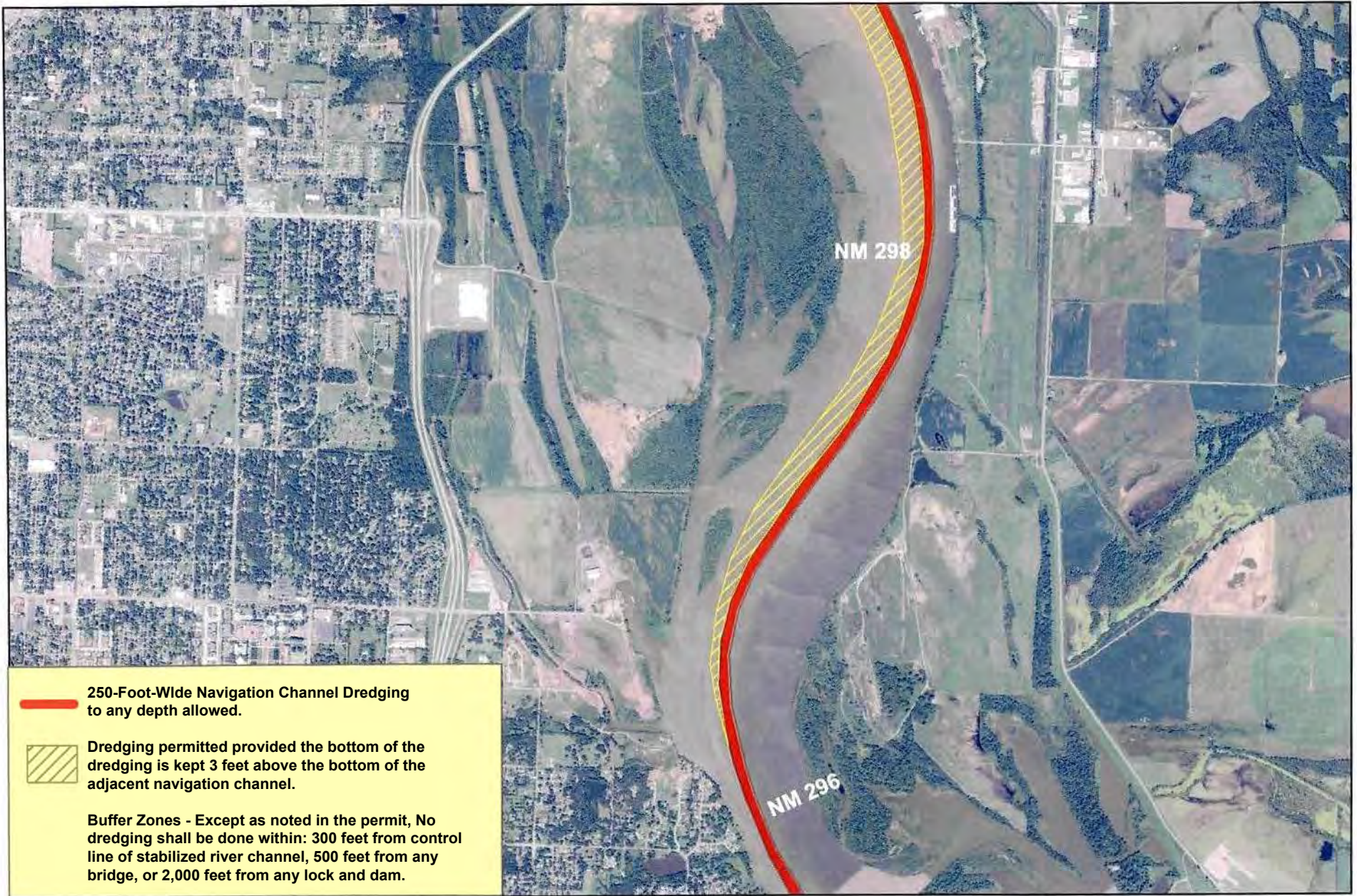
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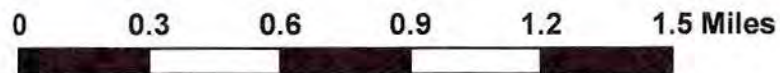
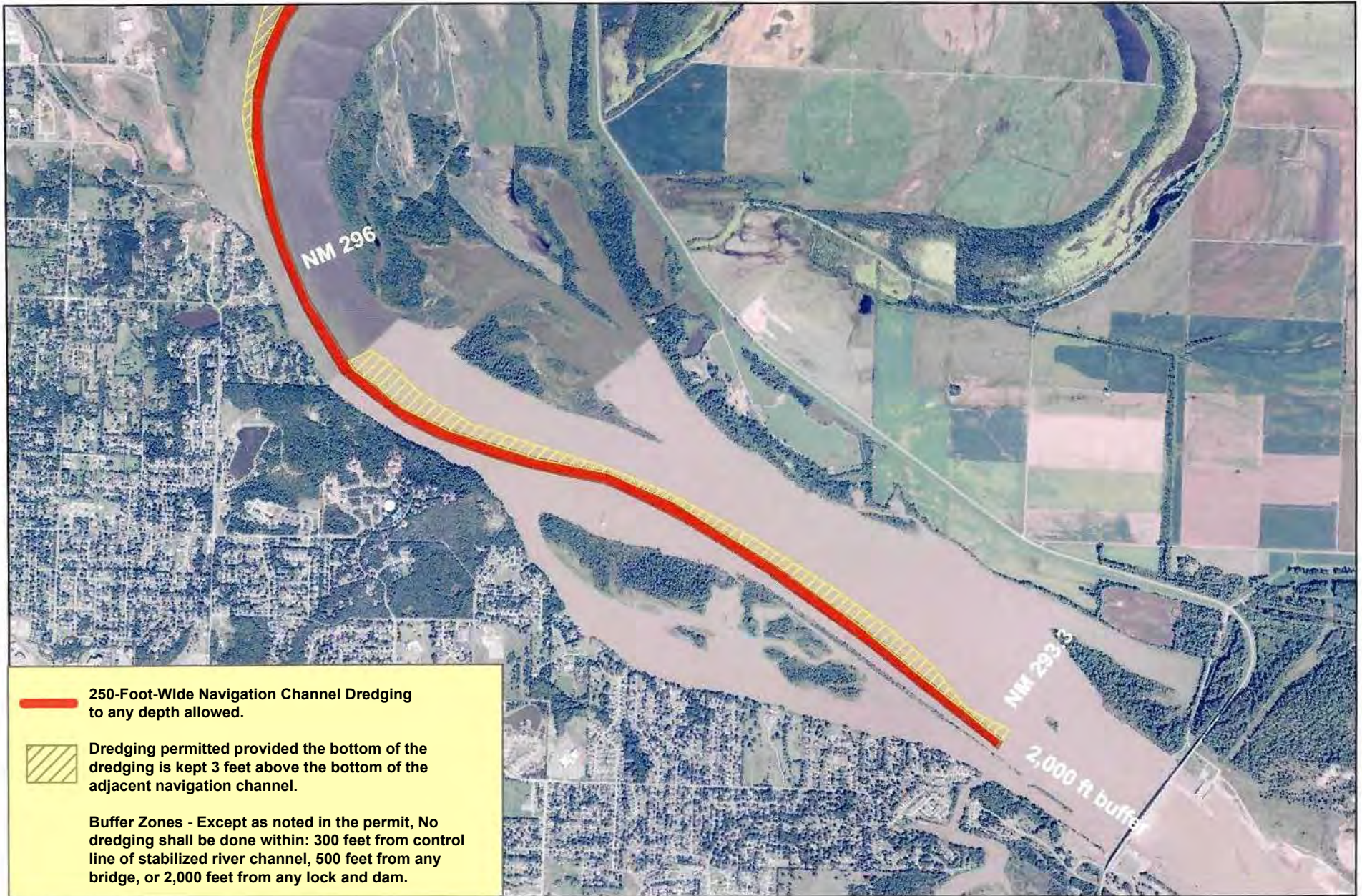
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Updated 2020



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