



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Mr. Brad Fischer
Summit Utilities of Arkansas, Inc

Published: May 13, 2025
Expires: June 9, 2025

**Little Rock District
Permit Application No. SWL 2025-00053**

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 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. Brad Fischer
Summit Utilities of Arkansas, Inc
1400 Centerview Drive, Suite 100
Little Rock, Arkansas 72211

AGENT: Ms. Michaela Swanson
Merjent Inc.
1 Main Street SE, Suite 300
Minneapolis, Minnesota 55414

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Village Creek. The proposed project is located in an unnamed wetland and Village Creek, in the NE 1/4 of section 31 and the NW 1/4 of section 32, T. 12 N., R. 2 W, east of Diaz, Jackson County, Arkansas.

EXISTING CONDITIONS: Uplands within the project site consist of the roadside right-of-way (ROW) specific to Air Base Road. The upland canopy and shrub/sapling layers are bare, and the herbaceous layer consists of mixed grasses. The eastern edge of the project area contains active agricultural fields. These areas slope south towards a large contiguous wetland complex associated with Village Creek. This wetland complex is located throughout a majority of the project and consists of palustrine emergent (PEM), palustrine forested (PFO), and palustrine unconsolidated bottom (PUB) wetland community types.

PROJECT PURPOSE:

Basic: The project is being proposed to improve the existing natural gas service.

Overall: The applicant is proposing to install approximately 4,405 linear feet of 6-inch-diameter natural gas pipeline to replace an existing 4,370 linear feet of 4-inch-diameter

pipeline to increase gas flow to provide reliable natural gas service to existing residential and commercial customers in Newport, Arkansas, as well as promote economic growth opportunities for future customers. The project is referenced as the Nature's Vault New Main Project.

PROPOSED WORK: The applicant requests authorization to install approximately 4,405 linear feet of 6-inch-diameter natural gas pipeline to replace the existing 4,370 linear feet of 4-inch-diameter pipeline and increase gas flow to the City of Newport and connect natural gas to the Nature's Vault facility. The existing 4-inch pipeline will be retired and abandoned in place. Pipeline installation will be completed via the directional bore or horizontal directional drilling (HDD) method. The applicant will complete tree clearing (25-foot width or 2.09 acres) within the forested wetland (PFO); tree clearing will be necessary to maintain the right-of-way for pipeline safety purposes.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The existing pipeline proposed to be replaced is unavoidably located in wetland areas. The entirety of the pipeline will be installed via low impact conventional boring and/or HDD. The applicant will use the minimum number of bore pits feasible to complete the project safely. In addition, where possible, bore locations will be accessed via points along Air Base Road to reduce equipment travel and ground disturbance in the wetland. To minimize ground disturbance in wetland areas, the applicant proposes to minimize the corridor of vegetative clearing to a 25-foot width as required for pipeline integrity, inspection, and safety purposes.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Summit plans to purchase credits from an approved wetland mitigation bank that services the area.

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 may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The IPaC determined the project May Affect the Pondberry (*Lindera melissifolia*), however, there is no critical habitat within the project area.

Pursuant to Section 7 of the Endangered Species Act, 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 not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not 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 not 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 not 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 June 9, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to John Bridgeman at John.Bridgeman@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.

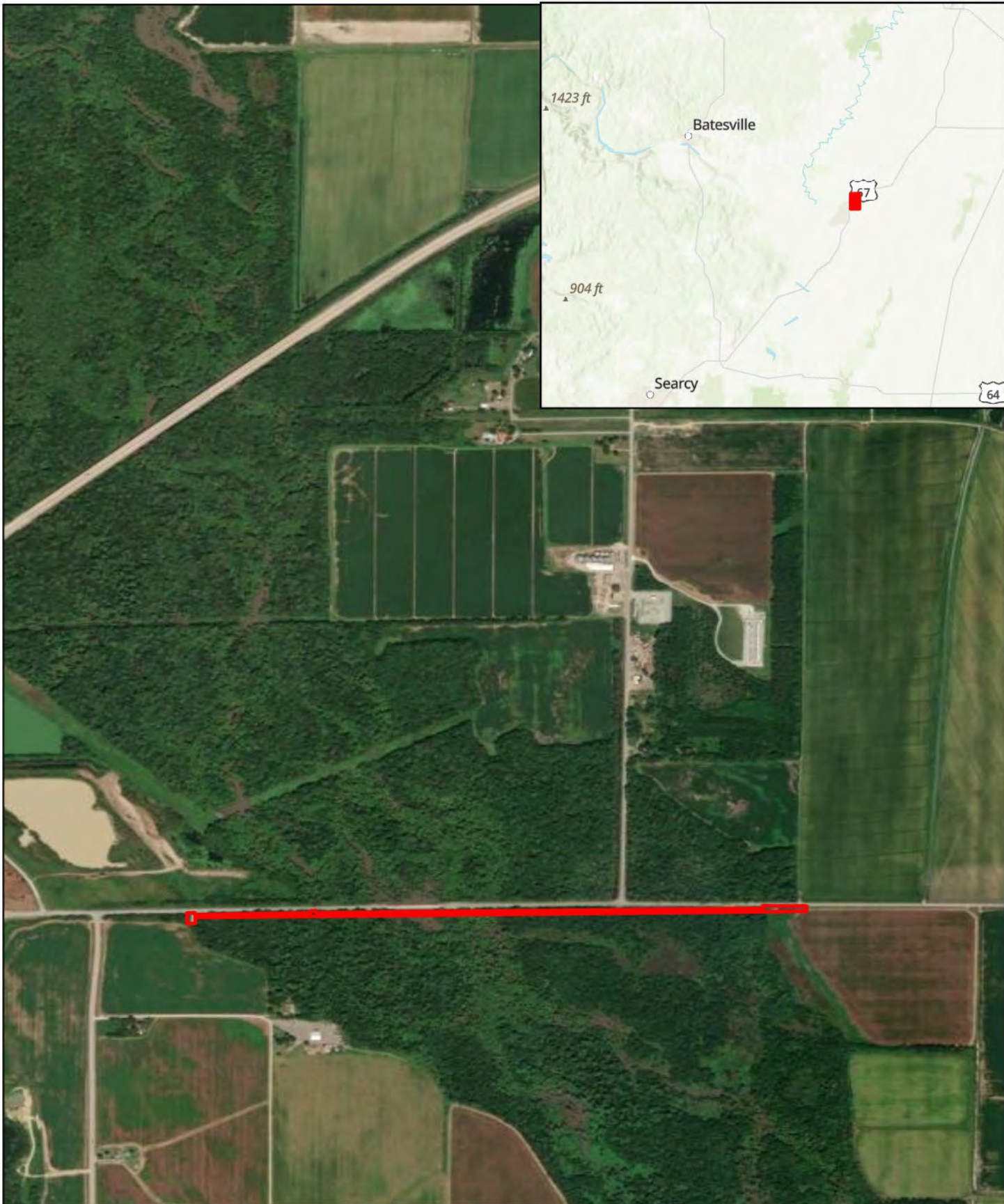
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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

Enclosures

Approximate Coordinates of Project Center

Latitude: **35.638814°** Longitude: **-91.225754°**

UTM Zone: **15N** North: **3945337.95** East: **660643.82**

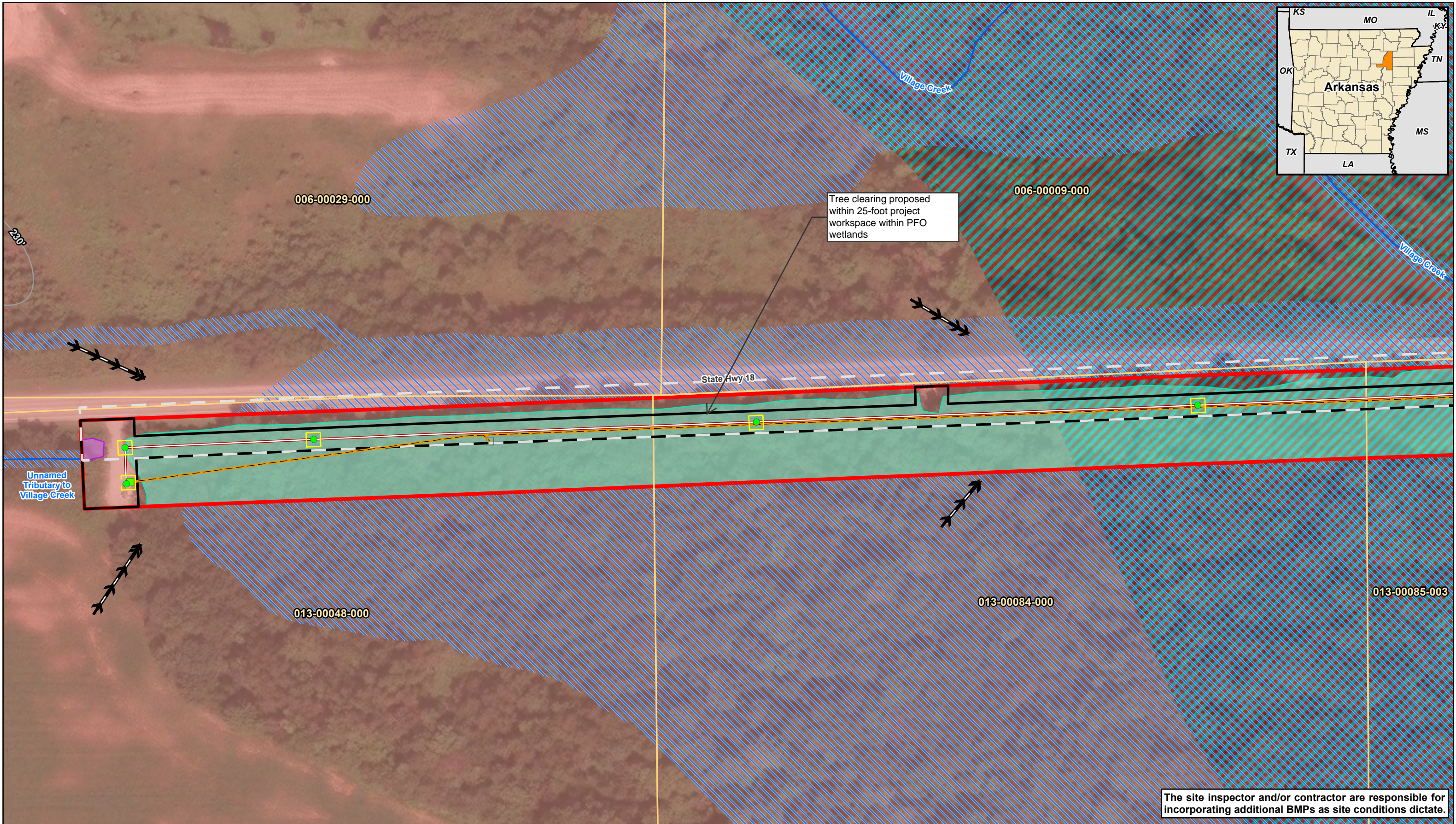


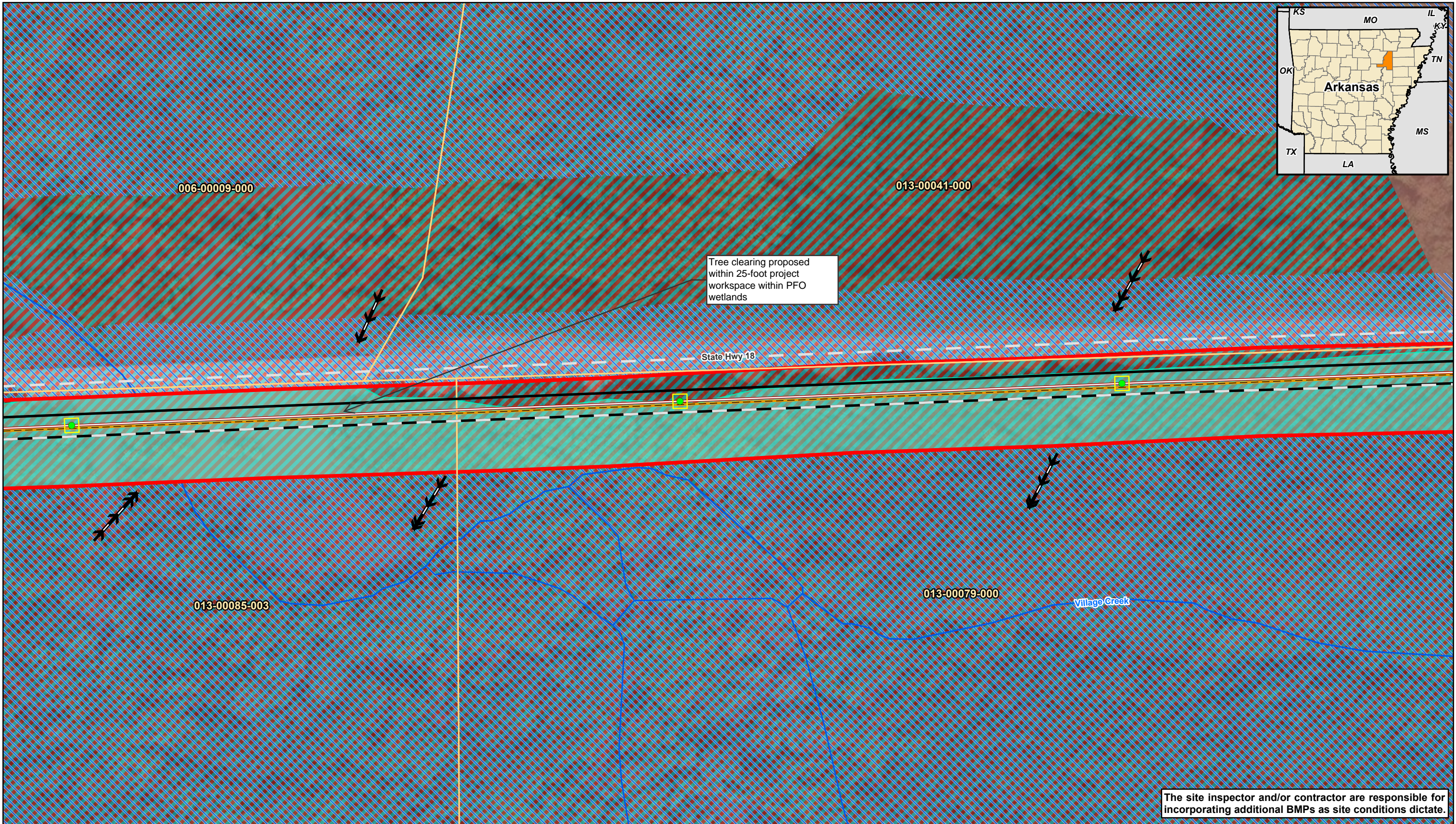
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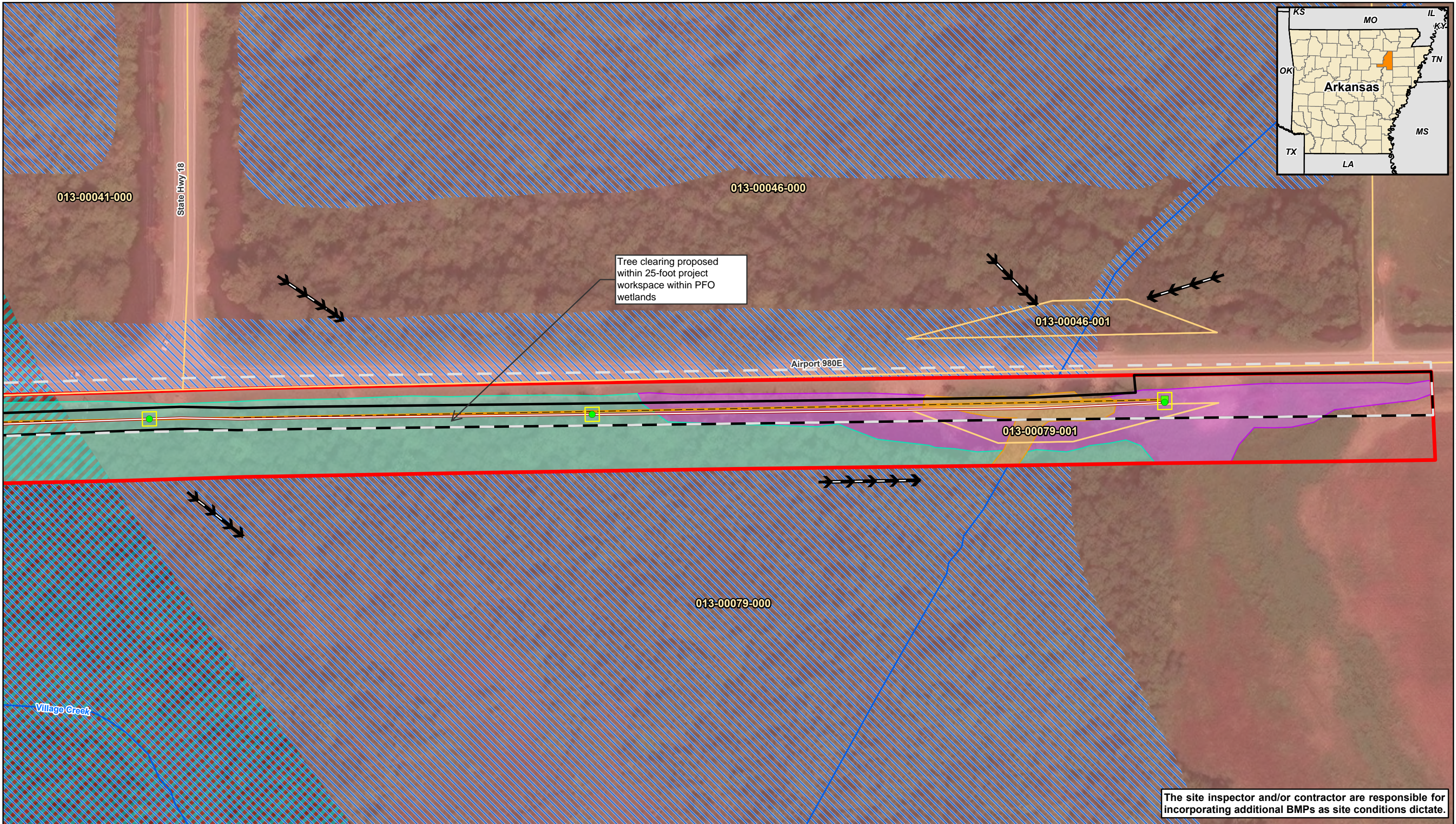
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For Environmental Review Purposes Only

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Figure 2: Site Plan
Natures Vault New Main Project (WO Pending)
 Summit Utilities Arkansas, Inc.
 Newport, Jackson County, Arkansas
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|--------------------------------------|---------------------|
| ● Bore/Tie-In Site | — 10' Contours |
| ■ Cut and Cap | ➔ Stormwater Flow |
| — BMP | ▭ Project Area |
| ~ 6" Proposed Pipeline - Bore Method | ▭ Survey Area |
| — Proposed Abandonment | ▭ Easement Boundary |

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