



US Army Corps
of Engineers®

PUBLIC NOTICE

Permit Application No. SWL-2026-00038

Published: April 6, 2026

Expires: May 1, 2026

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:

Note: This is a revision of a previous Public Notice dated March 30, 2026, on the same subject.

APPLICANT: Mr. Michael Montfort
Willowbend Capital, LLC
1700 K Street Northwest
Washington, DC 20006

AGENT: Mr. Thomas Huetter
Harbor Environmental
5800 Evergreen Drive
Little Rock, Arkansas 72205

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Fourche Bayou. The proposed project is located in unnamed tributaries and adjacent wetlands to Fourche Bayou, in the SW 1/4 of section 19, 20, 29, and 30, T. 2 N, R. 11 W, Little Rock, Pulaski County, Arkansas.

EXISTING CONDITIONS: The review area consists of a varied mix of farmland (about one-third), shrub/scrub, and palustrine forested areas (two-thirds). The shrub/scrub and palustrine forested areas include several access roads; however, they have remained relatively undisturbed for the last 40 years according to aeriels.

PROJECT PURPOSE:

Basic: Construct a Light Industrial Complex (Data Center)

Overall: To construct a state-of-the-art, five-building light industrial complex in Arkansas. The light industrial complex will operate as a data center being considered for Artificial Intelligence, among other uses. The project will likely draw more than 100 megawatts of power.

PROPOSED WORK: Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that the applicant has requested authorization for the placement of dredged and fill material in waters of the United States associated with the project involves the discharge of fill material below the ordinary high water mark of tributaries and adjacent wetlands leading to Fourche Bayou. This proposed project would result in the filling of approximately 16.8 acres of wetlands and 6,419 linear feet of streams. The development will include the construction of five industrial buildings, each approximately 285,300 square feet, totaling about 1.43 million square feet. There will also be two office/support buildings and an electrical substation/switching station covering around 20 acres. Additionally, the project will feature electrical transmission line corridors, a sanitary sewer lift station, parking lots, site entrances and access drives, stormwater facilities, and associated infrastructure.

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 project site was selected from multiple locations with wetland impacts, and the proposed structures were organized to avoid and minimize impacts to streams and wetlands as much as possible while still meeting the project's purpose and need.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant plans to purchase credits from a local mitigation bank and has calculated the estimated number of credits needed using the Little Rock District mitigation methodology. The final values will be confirmed during the permitting process, following the verification of the wetland delineation by an Approved Jurisdictional Determination.

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 or have no jeopardy on any listed species or critical habitat.

The project area may potentially contain the following species that are listed or proposed for listing under the Endangered Species Act (ESA): Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis jamaicensis*), Piping

Plover (*Charadrius melodus*), Rufa Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), and Monarch Butterfly (*Danaus plexippus*).

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 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 May 1, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Michael Gala at Michael.R.Gala@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: **34.686681°** Longitude: **-92.225466°**

UTM Zone: **15N** North: **570946.625699** East: **3838570.982969**

Action ID: SWL-2026-00038

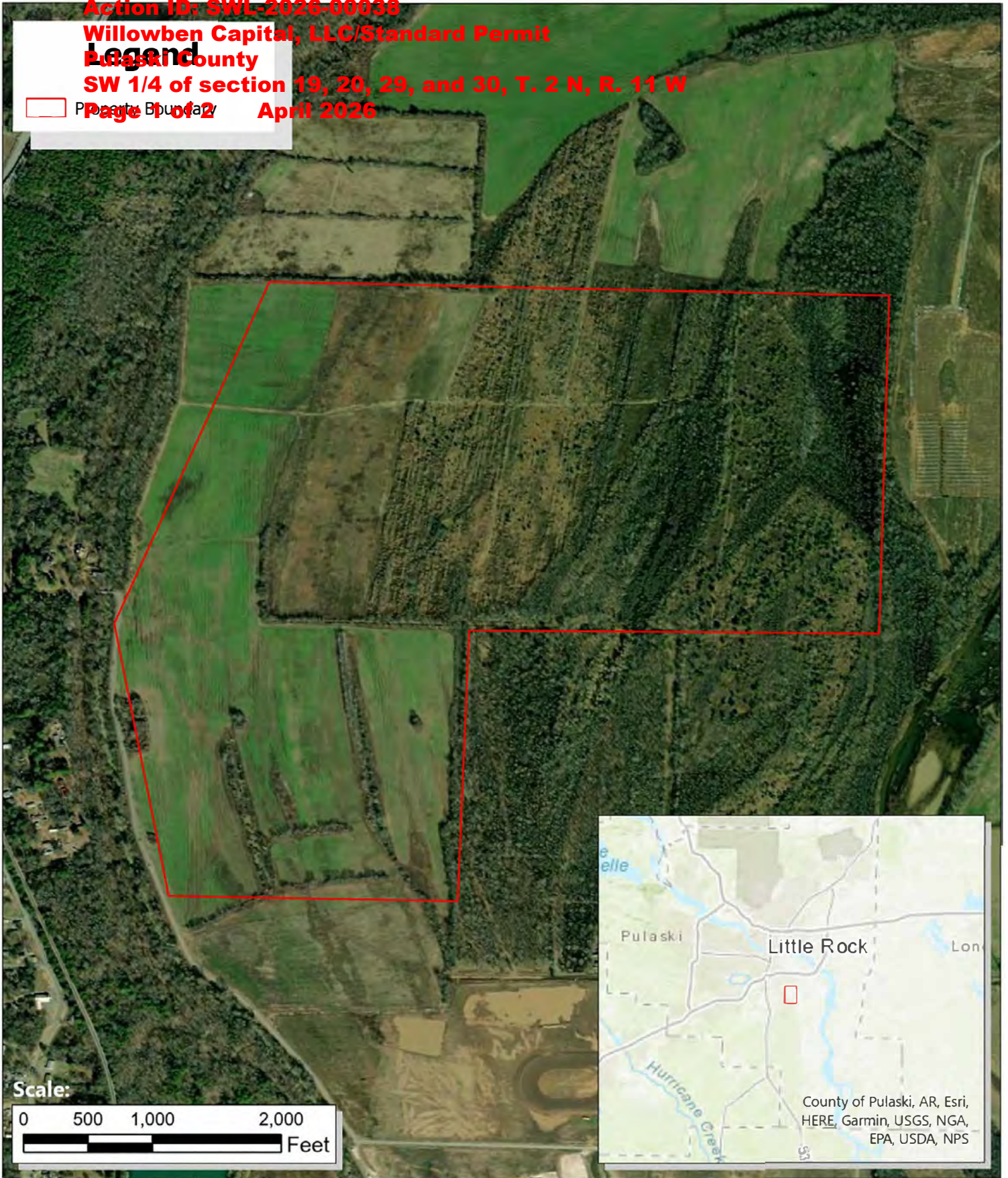
Willowben Capital, LLC/Standard Permit

Pulaski County

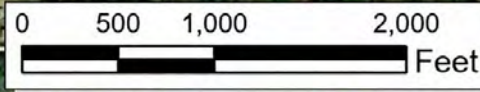
SW 1/4 of section 19, 20, 29, and 30, T. 2 N, R. 11 W

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Property Boundary



Scale:



County of Pulaski, AR, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS

Harbor

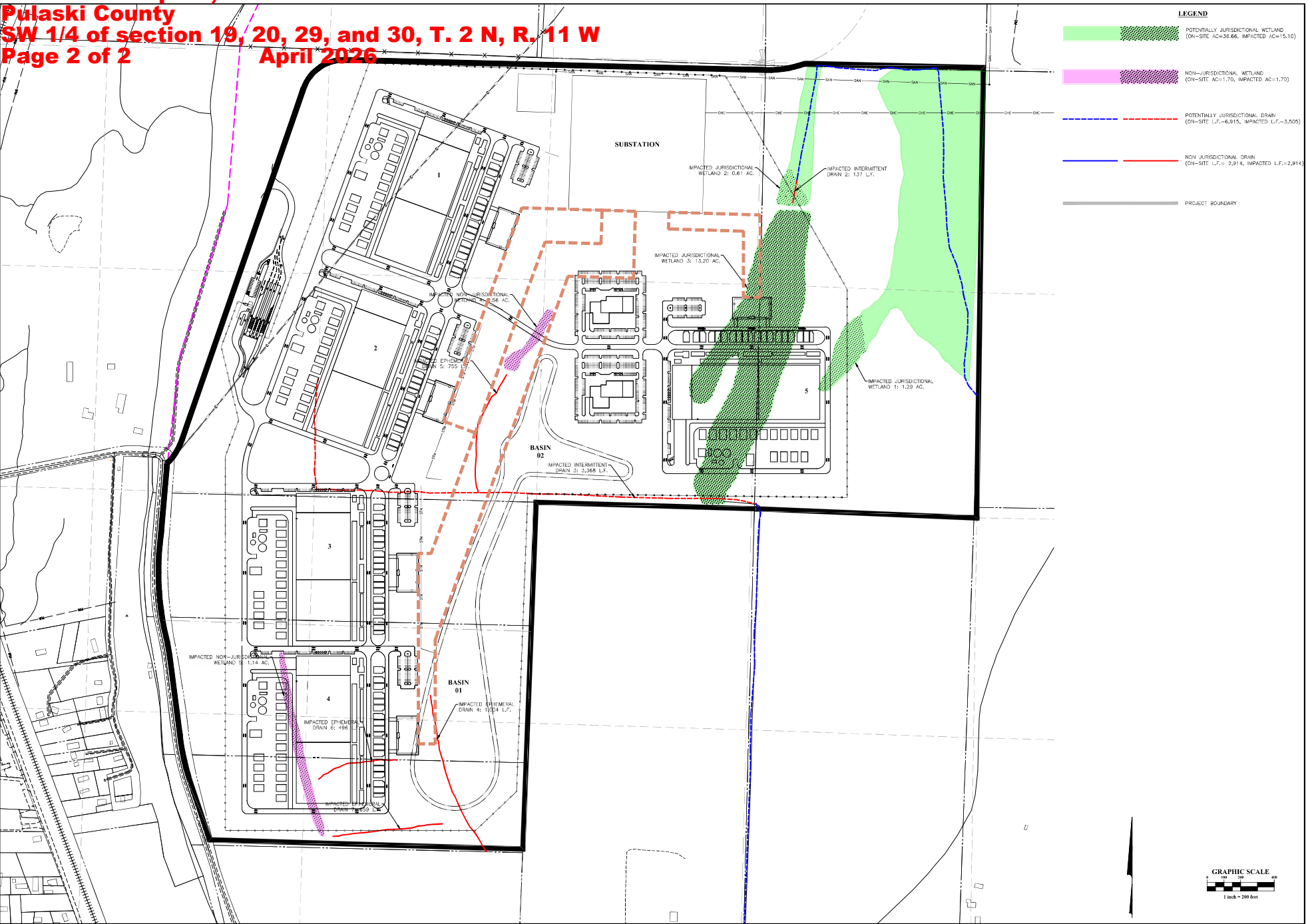
A Terracon Company
5800 Evergreen Drive
Little Rock, AR 72205
P: 501.663.8800
www.HarborEnv.com

Client:
Willowbend Capital, LLC



Figure 2 - Site Aerial Image
Little Rock, Pulaski County, AR

Date: 10/23/2024
Drawn by: CG
Checked by: TH
Revision No: 0



MARK	DATE	DESCRIPTION



EXHIBIT B

ALTERNATIVE B (LEDPA)

CITY OF LITTLE ROCK, STATE OF AR
 FOR
PROJECT BOAR
ENVIRONMENTAL IMPACT EXHIBIT

DATE	JOB NO.
March 18, 2025	20240769
SCALE	SHEET
1" = 200'	1/1