Section 404/Clean Water Act: U.S. Army Corps of Engineers (Vicksburg District) Public Notices Saline County, Arkansas Recreation Pond Project Application

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The United States Army Corps of Engineers (Vicksburg District) ("Corps") issued a February 5th public notice ("Notice") regarding a Section 404 Clean Water Act application by Shane Ferguson.

The application requests authorization for proposed work that would be confined to a stretch of a creek that runs through the middle of a 5.36-acre property near Little Rock, Arkansas.

The proposed project area also includes the immediately adjacent upland area. The project purpose is stated to be to construct a recreational pond for private use.

The applicant is stated to request the authorization for the deposition of fill into a Section 404 aquatic resource (Caney Creek) for the reroute of water, and construction of a small dam and outfall structure.

The proposed work is stated to encompass approximately 0.03 acres, or 450 linear feet, of jurisdictional Relatively Permanent Waters stream bed which would be rerouted through the excavated area to form a residential pond.

The Corps states that the site selection has been developed to avoid impacts on jurisdictional aquatic resources to the greatest extent practicable. Water from the pond would overflow back into the original stream channel and continue off the property.

The Corps states that no compensatory mitigation is proposed. The impacts are stated to not exceed the 0.03-acre mitigation threshold for the loss of streambed.

The Corps is stated to be evaluating the undertaking for effects to historic properties. Further, the Corps is stated to have performed an initial review of the application utilizing the U.S. Fish and Wildlife Service Information for Planning and Consultation, to determine if any threatened, endangered, proposed, or candidate species, as well as proposed and final designated critical habitat, may occur in the vicinity of the proposed project.

The Corps states that based on an initial review, it lists various species that may occur within the proposed project area. It is stated to be still reviewing potential impacts to the listed species for an effects determination and will coordinate with U.S. Fish and Wildlife Service as necessary.

A copy of the Notice can be found here.