



**US Army Corps  
of Engineers®**

# PUBLIC NOTICE

Applicant:  
Hunter Nelson  
NEA Construction LLC

Published: March 19, 2025  
Expires: April 21, 2025

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**Memphis District  
Permit Application No. MVM-2025-061**

TO WHOM IT MAY CONCERN: The Memphis 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.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:** Hunter Nelson  
NEA Construction LLC  
2314 HWY 168 W  
Bono, Arkansas 72416

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with Gum Slough Ditch. The project/review area is located on the North side of HWY 168W in Section 22, Township 16N, Range 3E; at Latitude 35.99947 and Longitude -90.74907; in Greene County, Arkansas (Attachment 1).

**EXISTING CONDITIONS:** The project area consist entirely of bottomland hardwoods.

**PROJECT PURPOSE:** The project purpose is to construct a levee to impound water for waterfowl hunting.

**Basic:** The basic purpose is to construction a levee for water impoundment.

**Overall:** The overall project purpose is to construct a levee to impound water for waterfowl hunting.

**PROPOSED WORK:** The applicant requests authorization to construct a 2,600 linear foot earthen levee. The levee will be four (4) feet high, two (2) feet wide at the top, and have a base width of five (5) feet. Borrow to construct the levee will be taken adjacent to the levee (Attachment 2). As proposed, the project will impact a total of 0.6-acres of forested wetlands. Three (3) water control structures will be installed in the levee (Attachment 3).

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic

environment: According to the applicant, the proposed levee is the minimum necessary to hold adequate water at the site.

**COMPENSATORY MITIGATION:** The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to mitigate forested wetland impacts with the restoration of 1.2-acres of forested wetlands (Attachment 4).

**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.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**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.

There are two federally listed mammal species that are known to have ranges that include the project area. They are the federally endangered Northern Long-eared Bat and the federally proposed endangered Tricolored Bat. There are three bird species, the federally threatened Eastern Black Rail, the federally threatened Piping Plover, and the federally threatened Rufa Red Knot. There is one insect species, the federally proposed threatened Monarch Butterfly. There is one reptile species, the federally proposed threatened Alligator Snapping Turtle. There is one flowering plant species, the federally endangered Pondberry. This project is being coordinated with the United States Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The USACE is the lead Federal agency

for ESA consultation for the proposed action. Any required consultation will be completed by USACE.

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 may be required from the Arkansas Department of Energy and Environment, Division of Environmental Quality.

This public notice is issued jointly with the Arkansas Department of Energy and Environment, Division of Environmental Quality. The Division will use the comments to this notice in deciding whether to grant Section 401 Water Quality Certification. Commenters are requested to furnish a copy of their comments to the Division of Environmental Quality by email to [jim.wise@adeq.state.ar.us](mailto:jim.wise@adeq.state.ar.us) or by mail to 5301 Northshore Drive, Little Rock, Arkansas 72118-5317, ATTN: Office of Water Quality.

**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 Memphis District will receive written comments on the proposed work, as outlined above, until April 21, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Josh Bright at [joshua.k.bright@usace.army.mil](mailto:joshua.k.bright@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Memphis District, Attention: Josh Bright, 167 North Main Street, Room B-202, Memphis, Tennessee, 38103-1894. Please refer to the permit application number in your comments.

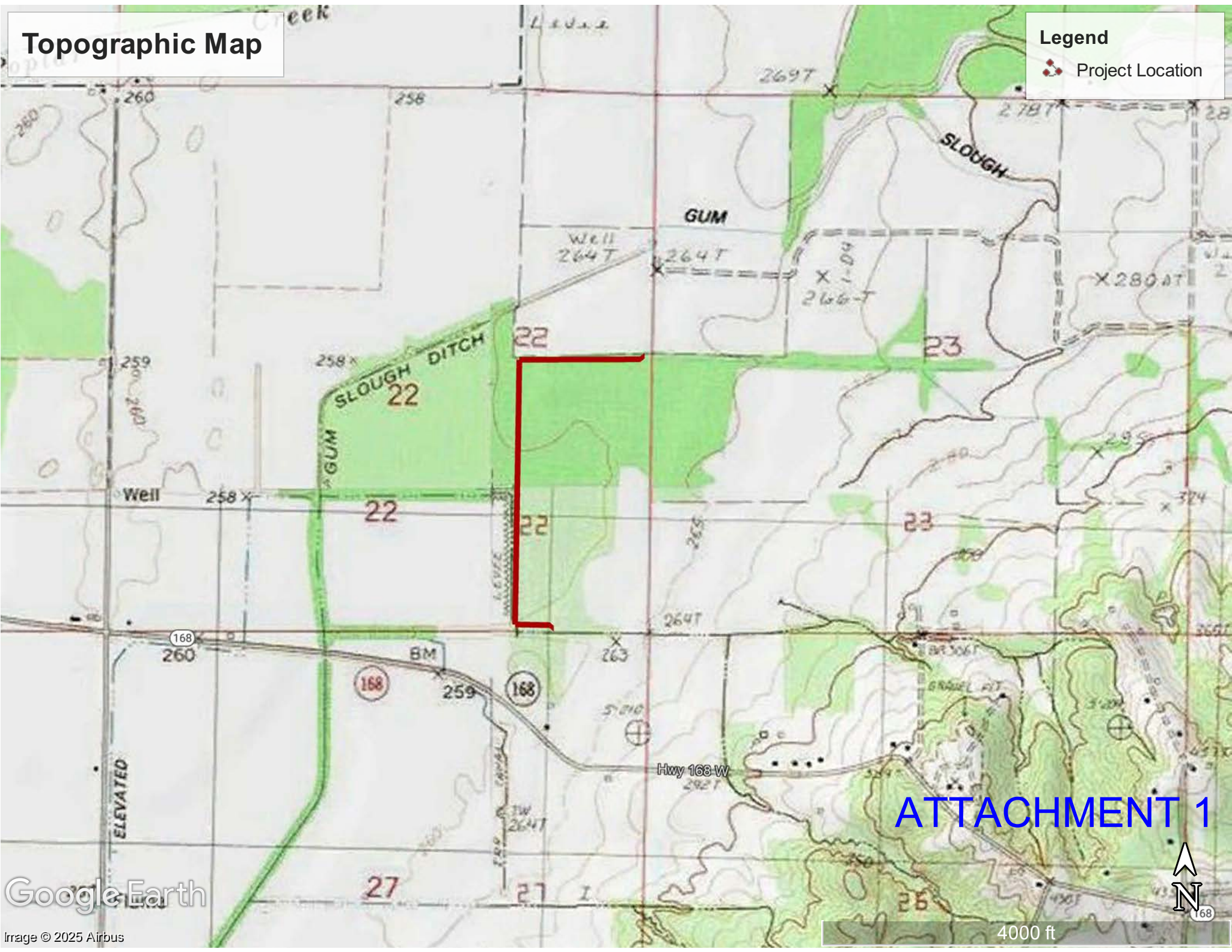
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless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



# Topographic Map

Legend

 Project Location




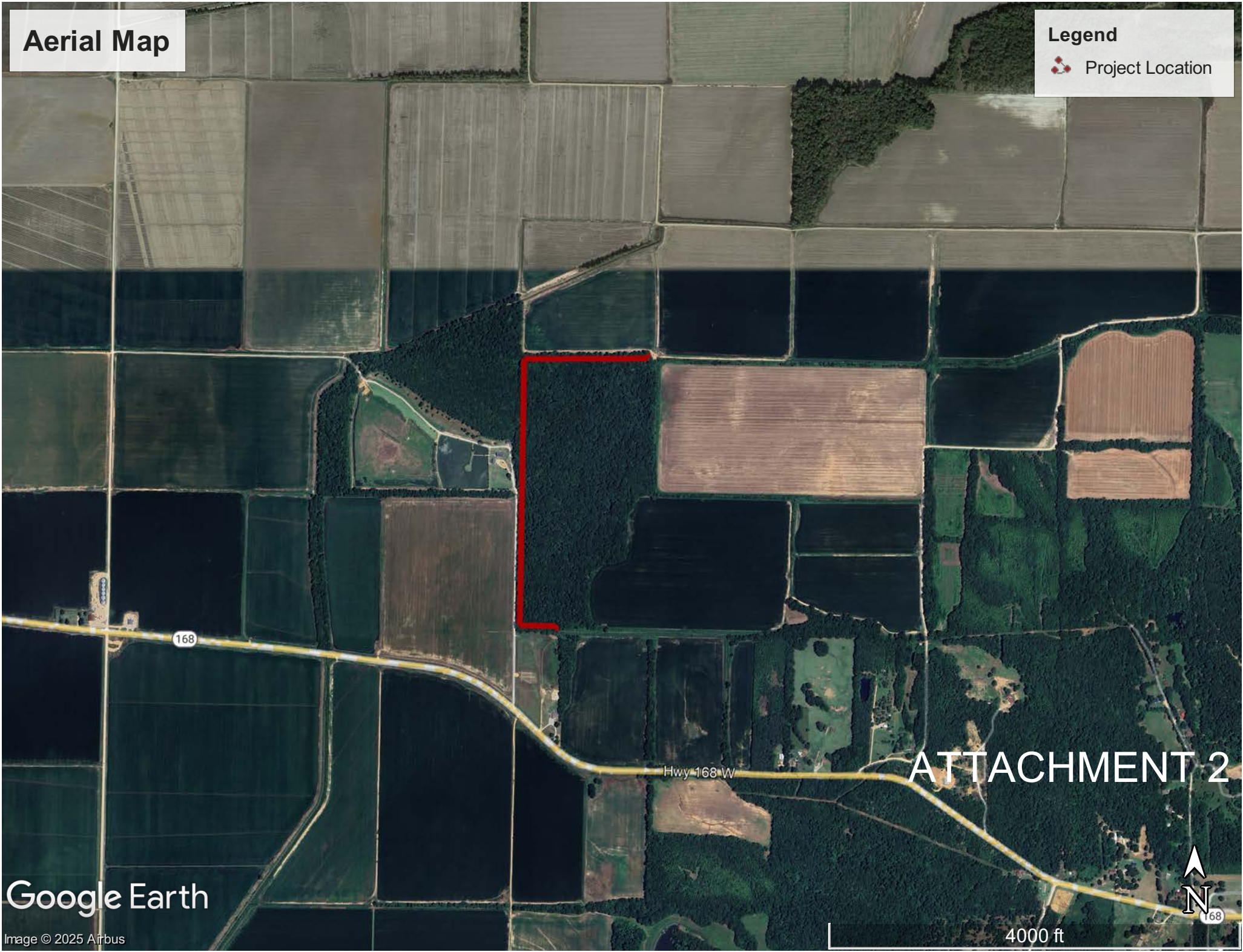
ATTACHMENT 1



# Aerial Map

Legend

 Project Location



Google Earth

Image © 2025 Airbus

ATTACHMENT 2

  
N

  
4000 ft





EXISTING FARM DITCHES

NEW LEVEE PLACEMENT

WATER CONTROL STRUCTURES AND DRAINAGE

## ATTACHMENT 3

PROJECT LOCATION:

2314 HWY 168 WEST BONO, AR, 72416

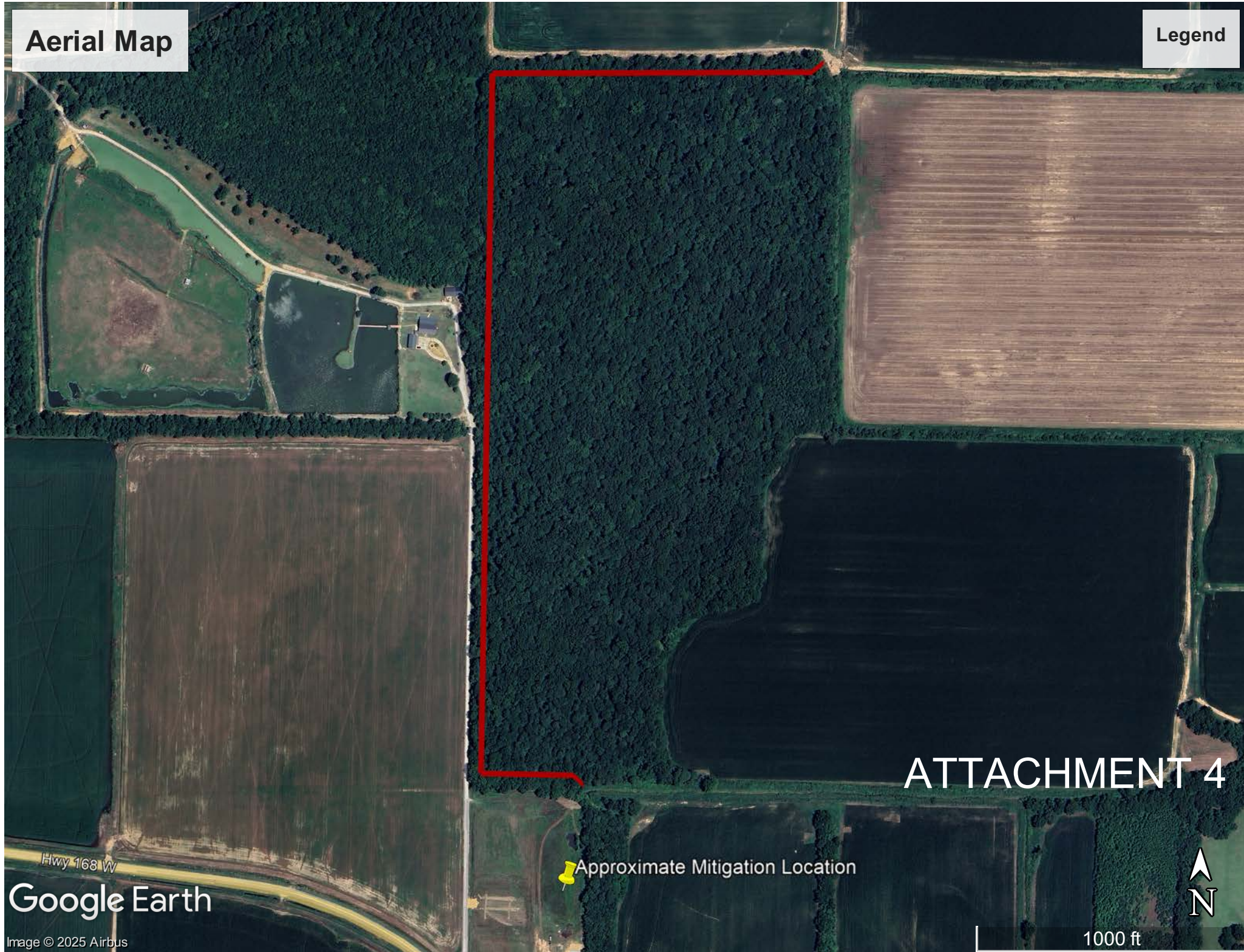
COORDINATES: (35.9998341, -90.7489298)





# Aerial Map

Legend



## ATTACHMENT 4

Approximate Mitigation Location

Google Earth

Image © 2025 Airbus

1000 ft