



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

January 18, 2024

Regulatory Division

FILE NO. SWL 2022-00089-1

Mr. Rick Ferguson
Pulaski County Property Owners Association
Multipurpose Improvement District 2021-22
11324 Arcade Drive #12
Little Rock, Arkansas 72212

Dear Mr. Ferguson:

Please refer to our meeting on December 15, 2023, informing you that we had received reports that ground disturbing activities within the Paradise Valley Subdivision, Phase 1 Site has resumed without a Department of the Army permit. The unauthorized work is located in an unnamed tributary of Mill Bayou, in the SW 1/4 of section 17, T. 3 N., R. 14 W., Roland, Pulaski County, Arkansas.

Waters of the United States (WOTUS) are subject to the regulatory jurisdiction of the US Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, 33 Code of Federal Regulations (CFR) 1344. These works, having occurred within WOTUS, constitute a violation of Section 301 of the Act (33 U.S. Code 1311) since a Department of the Army permit was not obtained prior to beginning the work.

Accordingly, you are hereby directed to cease and desist from further work below the plane of the ordinary high water mark within WOTUS associated with the proposed Paradise Valley Subdivision.

In addition, the Corps has determined that the proposed activity will include multiple construction phases in addition to a proposed offsite wastewater treatment facility that services the proposed residential development. Even if the additional phases are considered for future construction, the Corps is required to evaluate all phases of the proposal as a single and complete project for cumulative impacts unless the phases are considered to have independent utility. This will require additional information including, at a minimum, a delineation of the multiple phases, detailed alternatives analysis, cultural resources survey, and a cumulative impact assessment with adequate project drawings and details before the application is considered to be a complete application.

You should be aware that violations of the Clean Water Act may result in the imposition of substantial administrative fines (up to \$157,500), civil fines (up to \$59,974 per day), and criminal fines (up to \$50,000 per day and imprisonment up to 3 years) and

other penalties, including the potential requirement of restoring the site where unauthorized work has occurred. The Environmental Protection Agency (EPA) has lead authority for imposition of these penalties under the Clean Water Act. I am hereby referring this violation to EPA for a decision on whether they wish to pursue such penalties.

By copy of this letter, I am requesting EPA and other affected agencies to furnish preliminary comments on the unauthorized work by January 29, 2024. You also are hereby given the opportunity to provide any background information or comments on the violation by January 29, 2024. This input will be considered in the Corps' and EPA's ultimate disposition of this matter.

This letter contains an approved jurisdictional determination for portions of Phase 1 of your permit application. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

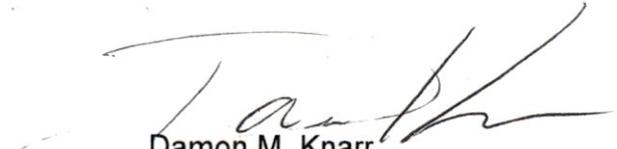
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You may direct questions to John Bridgeman, Regulatory Specialist, of our Regulatory Division, at (501) 340-1387.

Sincerely,



Damon M. Knarr
Colonel, US Army
District Engineer

Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

cc:

Proj Mgr, Russellville PO, w/cy map

US Environmental Protection Agency, Region 6, Chelsey Sherwood, w/cy map

AR Dept. of Energy and Env., Div. of Envir. Quality, Jim Wise, w/cy map

Pulaski County Planning and Development, Jim Cranor, w/cy map

AR Dept. of Energy and Env., Div. of Envir. Quality, Water Quality Planning Branch,

Bryan Leamons, w/cy map

Pollution Management, Inc., William Doug Ford, w/cy map



N
 SWL 2022-00089-1 Reference Scale:
 Subdivision 1:24,000
 0 15 30 60 Miles

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 Paradise Valley Subdivision
 Roland, Arkansas
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TCC General Contractors

Roland Cutoff Rd

d



N
SWL 2022-00089-1 Reference Scale:
Subdivision 1:4,000
0 15 30 60 Miles

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Roland, Arkansas
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 CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES 5015 SOUTH BRACKLEFORD RD LITTLE ROCK, ARKANSAS 72205 PE 1503 001-7495 PE (REG) 001-7719 PREPARED BY: JMW DATE: JULY 18, 2022 DRAWN BY: JMW SCALE: 1" = 100' CHECKED BY: JMW	SHEET TITLE: AERIAL WITH JURISDICTIONAL WATERS PROJECT TITLE: PARADISE VALLEY SUBDIVISION ROLAND CUTOFF ROAD ROLAND, ARKANSAS	SUBMITTED FOR REVIEW
	JOB NUMBER: F2NC-11791 SHEET NUMBER: 4	



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, LITTLE ROCK DISTRICT
REGULATORY DIVISION / CESWL-RD
WEST CAPITOL AVENUE
LITTLE ROCK, ARKANSAS 72201-3221

AN EQUAL OPPORTUNITY EMPLOYER

OFFICIAL BUSINESS

Mr. Bryan Leamons
Arkansas Department of Energy and Environment
Division of Environmental Quality
Office of Water Quality, Water Quality Planning Branch
5301 Northshore Drive
North Little Rock, Arkansas 72118-53

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