



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Shane Ferguson
MetroRock Construction

Published: February 5, 2026
Expires: February 26, 2026

Vicksburg District
Permit Application No. MVK-2025-00576

TO WHOM IT MAY CONCERN: The Vicksburg 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: Shane Ferguson
MetroRock Construction
1316 Westcliffe Drive
Little Rock, Arkansas 72210

WATERWAY AND LOCATION: The project would affect waters of the United States associated with Caney Creek. The project/review area is located along Caney Creek at 1316 Westcliffe Drive in 4 Section, 1N Township, 15W Range; at Latitude 34.761768N and Longitude -92.609095 in Saline County, Arkansas.

EXISTING CONDITIONS: The section of creek that would be impacted by the proposed work is confined to a stretch of the creek that runs through the middle of the 5.36-acre property near Little Rock, Arkansas. The proposed project area also includes the immediately adjacent upland area.

PROJECT PURPOSE: The project purpose is to construct a recreational pond for private use.

Basic: Construction of an attendant feature to an individual residence.

Overall: To construct a recreational pond at 1316 Westcliffe Drive near the city of Little Rock, Saline County, Arkansas.

PROPOSED WORK: The applicant requests authorization for the deposition of fill into a Section 404 aquatic resource (Caney Creek) for the reroute of said water, and construction of a small dam and outfall structure.

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

AVOIDANCE AND MINIMIZATION: 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.

COMPENSATORY MITIGATION: No compensatory mitigation is proposed. The impacts do not exceed the 0.03-acre mitigation threshold for the loss of streambed.

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 made 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 utilizing 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 proposed and final designated critical habitat, may occur in the vicinity of the proposed project. Based on this initial review, the below listed species may occur within the proposed project area. The Corps is still reviewing potential impacts to the listed species for an effects determination and will coordinate with USFWS as necessary.

- Alligator Snapping Turtle – Proposed Threatened
- Arkansas Fatmucket – Threatened
- Eastern Black Rail – Threatened
- Indiana Bat – Endangered
- Monarch Butterfly – Proposed Threatened
- Northern Long-eared Bat - Endangered
- Ouachita Fanshell – Threatened
- Pink Mucket – Endangered
- Piping Plover – Threatened
- Rufa Red Knot – Threatened
- Tricolored Bat – Proposed Endangered

Pursuant to Section 7 of the Endangered Species Act (ESA), any required consultation with the service(s) will be conducted in accordance with 50 CFR part 402.

The US Army Corps of Engineers is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the US Army Corps of Engineers.

This notice serves as request to the USFWS 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.

ESSENTIAL FISH HABITAT: Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps has determined the proposal would have no effect on any Essential Fish Habitat (EFH) [no EFH identified at the location]. Therefore, no consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996 is required.

NAVIGATION: The proposed work would not occur within 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).

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the Arkansas Department of Environmental Quality to certify that the described work will comply with the state's water quality standards and effluent limitations before a Corp's permit is issued.

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 regulations 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 been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on 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, 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 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.

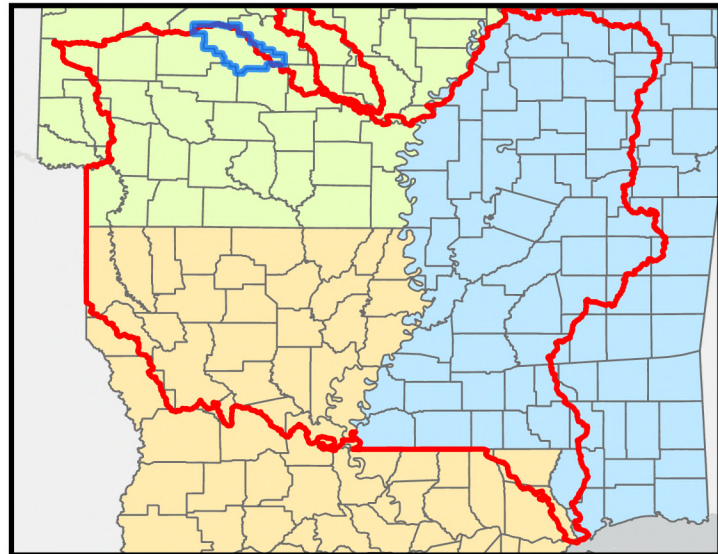
The Vicksburg District will receive written comments on the proposed work, as outlined above, until February 26, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Bryton Hixson at bryton.k.hixson@usace.army.mil. Please 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.

Andy Sanderson
Chief, Arkansas/Louisiana Branch
Regulatory Division

Legend

- ▭ Approximate Property Boundary
- ▬ Caney Creek
- ▬ Proposed Impacts (0.03 Ac.)
- ▬ Currently Rerouted Stretch of Caney Creek
- ▭ Approximate Proposed Dam Location
- ▭ Approximate Proposed Pond Footprint



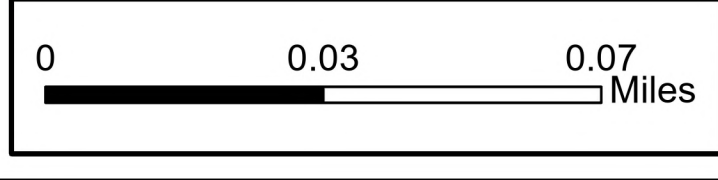
Saline County, Arkansas









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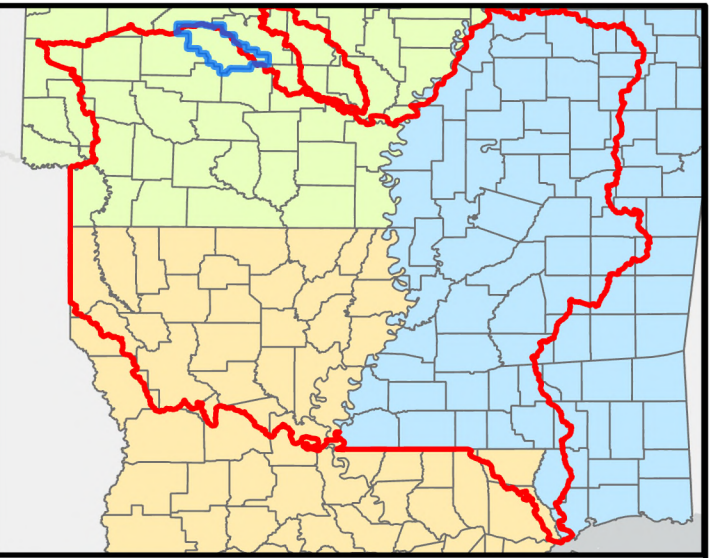
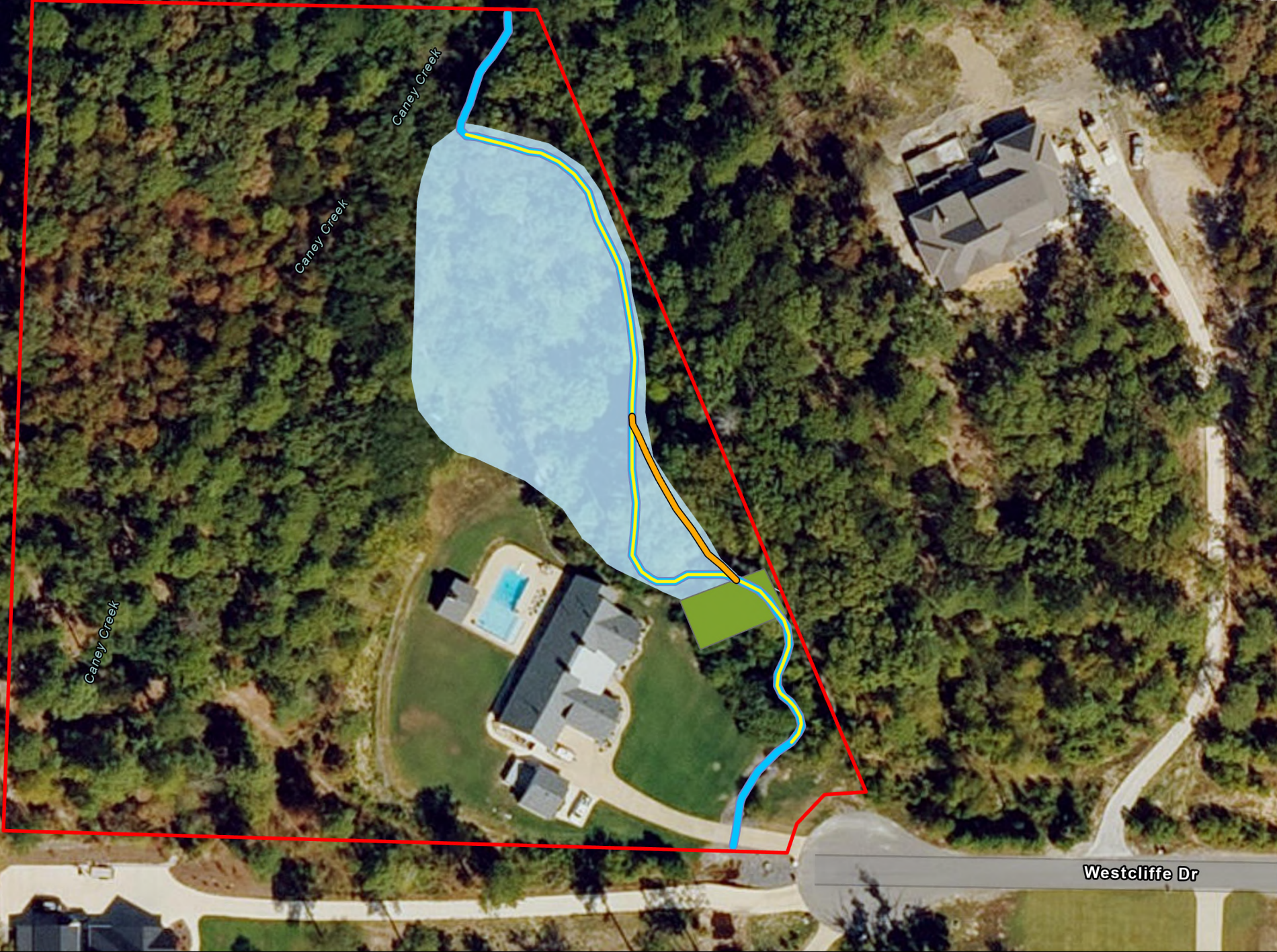
ATF Caney Creek Pond
1316 Westcliffe Drive
Little Rock, AR

Vicksburg District
Regulatory Division



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Approximate Project Plans

