



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Chelsey Sherwood	Time In	11:00 AM	Start Date	January 29, 2025
		Time Out	12:30 PM	End Date	January 29, 2025
Inspector's Organization	EPA Region 6, Enforcement and Compliance Division, Water Resources Section				
Organization Requesting Inspection (if different)	N/A				
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	Ben Wellons				
Site Address*	Off of County Road 414				
City*	Des Arc	County*	Prairie	State*	AR Zip Code* 72040
Mailing Address*	PO Box 191				
City*	Roland	County*	Pulaski	State*	AR Zip Code* 72135
Latitude*	35.00998	Longitude*	-91.57195		
Estimated Size of Site (acres)	846	Is there a home on the site?	☒ Yes ☐ No		
Inspector Signature	CHELSEY SHERWOOD			Digitally signed by CHELSEY SHERWOOD Date: 2025.03.14 11:38:31 -05'00'	
Supervisor Signature	RUBEN ALAYON-GONZALEZ			Digitally signed by RUBEN ALAYON-GONZALEZ Date: 2025.03.18 13:39:51 -05'00'	

Clean Water Act Section 404: Site Visit/Case Development

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Site Name	Ben Wellons	Start Date	January 29, 2025
		End Date	January 29, 2025
Inspection Purpose	Initial site visit		
Opening Conference			
☐ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) Ben Wellons, responsible party/owner			
☒ Opening Conference Name of person authorizing access if applicable Ben Wellons, responsible party/owner			
Notes from Opening Conference We discussed the issues and concerns of the work conducted and walked the project area.			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Ben Wellons, responsible party/owner. Email: ben@wellonsland.com.			
Additional Persons Present at Inspection Joshua Bright, Little Rock District U.S. Army Corps of Engineers, Doug Ford and Jimmy Rogers, environmental consultants of Mr. Wellons.			
General Site Characteristics (layout of property, etc.) This property is located off a dead end road and is primarily a forested wetland with Bayou Des Arc flowing through the property. Levees and a large dam structure were built across Bayou Des Arc. Refer to map attachments and photographs for details.			
Purpose and Need for Discharge of Dredged and/or Fill Material The purpose appears to be for water control for duck hunting and to access the other side of the property.			
Site Overview (Past inspections, site description, permits, etc.) No past inspections known.			
Scope of Inspection (Areas inspected or not inspected) I inspected the project area which consisted of the levees upstream and downstream of the large dam structure and the dam structure itself.			

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Site Name	Ben Wellons	Start Date	January 29, 2025
		End Date	January 29, 2025
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
~64 degrees F, mostly cloudy			
Field Work Conducted			
I assessed the area to determine extent of the unauthorized discharges and impacts to waters of the United States. Pictures were taken for documentation.			
Closing Conference			
Documents Received and/or Requested During the Inspection			
EPA requested Mr. Wellons to send any other photos, documentation, or reports that EPA should review. Mr. Wellons provided these to EPA on February 24, 2025.			
Compliance Assistance Provided (If any)			
EPA and the Corps discussed Section 404 of the Clean Water Act laws and regulations and the concerns with the structure built.			
Observations Relayed to Site Owner/Operator			
We let Mr. Wellons know that there are concerns with the large dam structure and potential impacts to navigability as the Corps had received citizen complaints and informed EPA of the unauthorized activities. I let Mr. Wellons know that an inspection report would be sent to him and then we would determine next steps to resolution.			
Actions Taken by Owner/Operator During the Inspection (If any)			
No actions requested to be taken during the inspection. Other than send any relevant documentation to EPA.			
Potential Issues of Concern Including Regulatory Citations			
A Section 404 permit was not obtained for the discharge of fill material below the Ordinary High Water Mark in Bayou Des Arc, a relatively permanent water, and a tributary to the White River, a traditional navigable water. This case was referred to EPA under the 1989 Memorandum of Agreement between the Corps and EPA. Refer to photos and map attachments for site inspection details.			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.)			
N/A			
Additional Notes			
N/A			

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: 35.01024, -91.57263		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_137.HEIC	01/29/2025, 11:17 AM	Chelsey Sherwood	Showing the levee upstream of the large dam structure. Picture taken facing northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: 35.01027, -91.57260		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_138.HEIC	01/29/2025, 11:20 AM	Chelsey Sherwood	Showing the levee and large dam structure in the background. Picture taken facing southeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: 35.01000, -91.57221		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_139.HEIC	01/29/2025, 11:21 AM	Chelsey Sherwood	Showing the large dam structure. Picture taken facing southeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: 35.01000, -91.57221		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_140.HEIC	01/29/2025, 11:21 AM	Chelsey Sherwood	Showing the levee/road that was built across Bayou Des Arc that leads to the large dam structure. Picture taken facing south.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: 35.00998, -91.57218		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_141.HEIC	01/29/2025, 11:22 AM	Chelsey Sherwood	Showing the large dam structure. Picture taking facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: 35.00983, -91.57213		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_142.HEIC	01/29/2025, 11:22 AM	Chelsey Sherwood	Showing the road over the damn structure that was constructed through Bayou Des Arc. Picture taken facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: 35.00971, -91.57206		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_143.HEIC	01/29/2025, 11:22 AM	Chelsey Sherwood	Showing the dam structure from the levee facing upstream. Picture taken facing north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: 35.00971, -91.57205		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_144.HEIC	01/29/2025, 11:22 AM	Chelsey Sherwood	Showing just below the dam structure to the other levee on river left. Picture taken facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: 35.00999, -91.57189		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_146.HEIC	01/29/2025, 11:23 AM	Chelsey Sherwood	Showing the spillway from on top of the dam structure.

Note: IMG_145 is a video of the structure and is therefore not included in the photograph log.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: 35.01000, -91.57191		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_147.HEIC	01/29/2025, 11:23 AM	Chelsey Sherwood	Showing the wing of the dam structure and levee on river right. Picture taken facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: 35.01000, -91.57191		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_148.HEIC	01/29/2025, 11:23 AM	Chelsey Sherwood	Showing more fill material in Bayou Des Arc. Picture taken facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: 35.01000, -91.57192		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_149.HEIC	01/29/2025, 11:23 AM	Chelsey Sherwood	Showing upstream from on top of the dam structure. Picture taken facing northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: 35.01009, -91.57190		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_150.HEIC	01/29/2025, 11:26 AM	Chelsey Sherwood	Showing the upstream side of the dam structure. Note the red circle and arrow pointing to the slits that appear to be able to hold boards to control the water level. Picture taken facing west.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 14

Location: 35.01018, -91.57182		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_151.HEIC	01/29/2025, 11:31 AM	Chelsey Sherwood	Showing the levee on river left of the dam and water staining on the trees circled in red. Picture taken facing southeast.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Location: 35.00971, -91.57152		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_152.HEIC	01/29/2025, 11:40 AM	Chelsey Sherwood	Showing the dam structure facing upstream. Note that between the levees and the dam structure that were constructed; navigability appears to be blocked. Picture taken facing north.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Location: 35.01003, -91.57168		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_153.HEIC	01/29/2025, 11:58 AM	Chelsey Sherwood	Showing water staining on the trees. Picture facing east.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Location: 35.01011, -91.57188		
City: Des Arc	County/Parish: Prairie	State: Arkansas



Photo File Name	Date and Time of Photo	Photographer	Description
IMG_154.HEIC	01/29/2025, 11:58 AM	Chelsey Sherwood	Showing the levee upstream of the dam structure and the water staining on the trees. Picture taken facing northwest.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Location: 35.00928, -91.57198		
City: Des Arc	County/Parish: Prairie	State: Arkansas



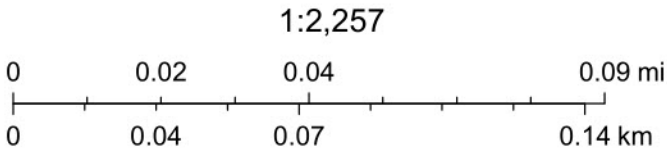
Photo File Name	Date and Time of Photo	Photographer	Description
IMG_155.HEIC	01/29/2025, 12:03 PM	Chelsey Sherwood	Showing the large road/levee built that is approximately 270 linear feet. Picture taken facing north.

Ben Wellons Photo Locations



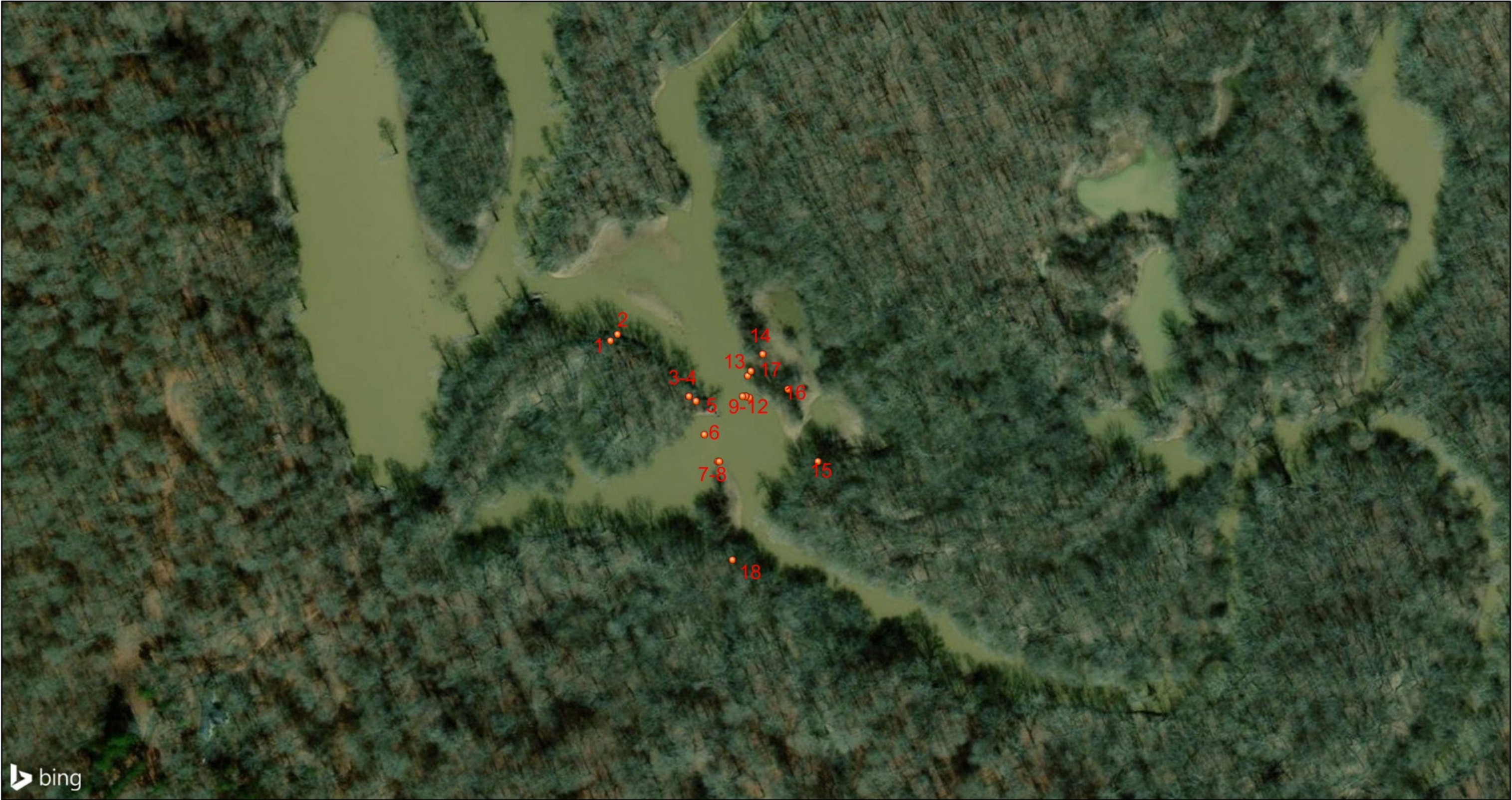
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● Photo Locations



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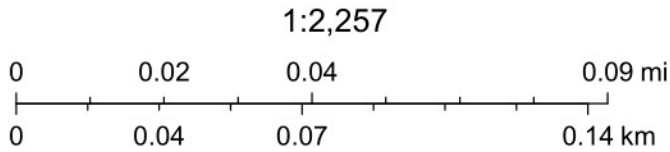
Ben Wellons Wayback Imagery February 24, 2022



bing

3/13/2025, 4:30:36 PM

● Photo Locations



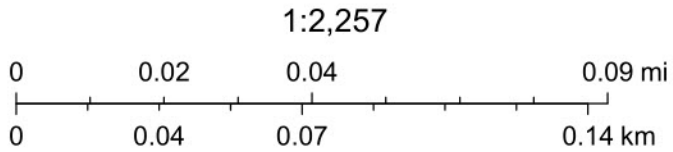
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Ben Wellons US NAIP Imagery



3/13/2025, 4:32:57 PM

- Photo Locations
- USA NAIP Imagery: Natural Color
- Red: Red
- Green: Green
- Blue: Blue



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Site Location

Legend



Bayou Des Arc

Google Earth

Image © 2024 Airbus



300 ft

Ben Wellons Bayou Des Arc

Legend

 Location of structure and levee

Bayou Des Arc

Bayou Des Arc



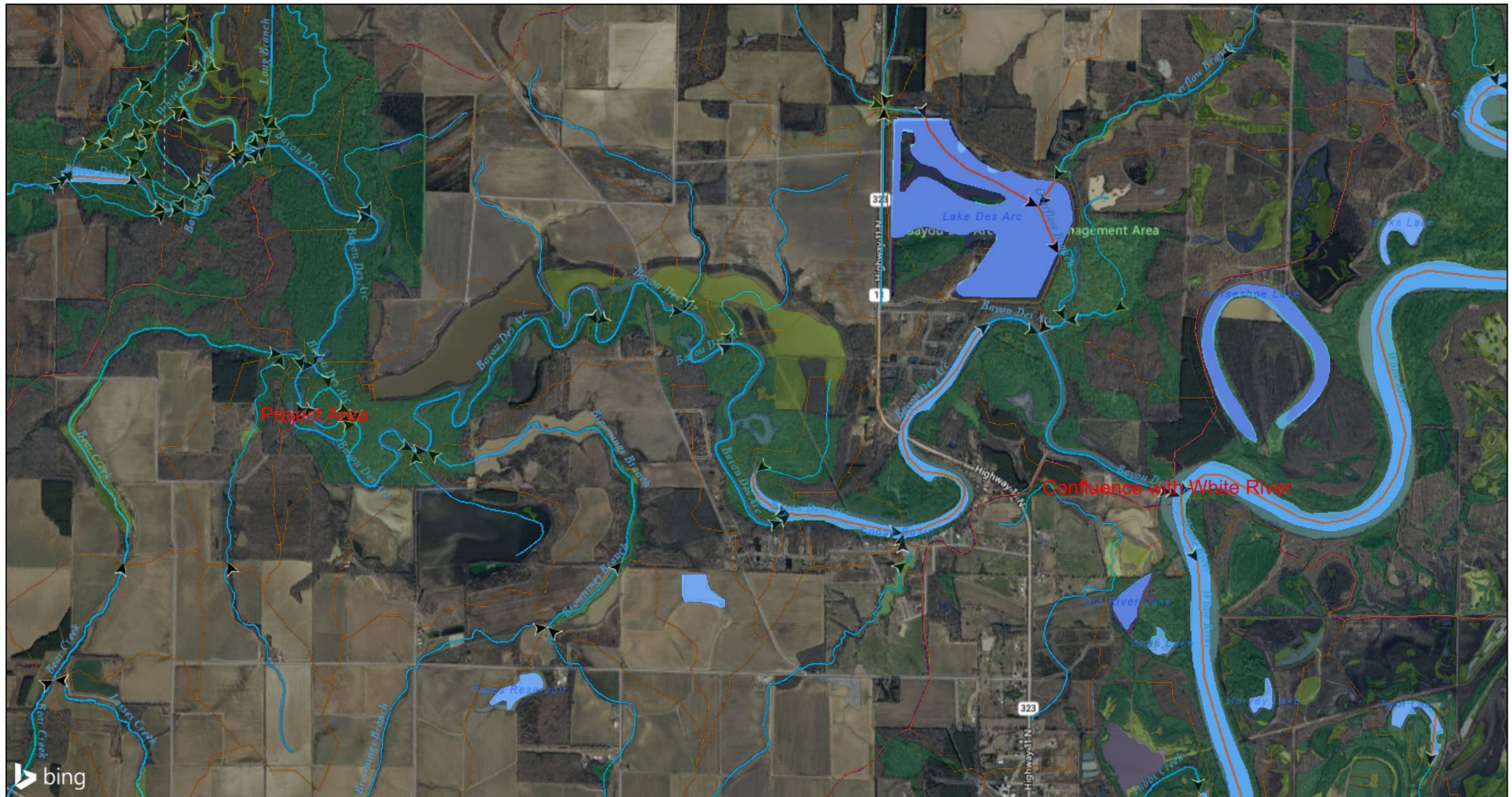
Google Earth

400 ft



Google

Ben Wellons Bayou Des Arc to White River Overview



3/13/2025, 4:42:32 PM

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

Lake

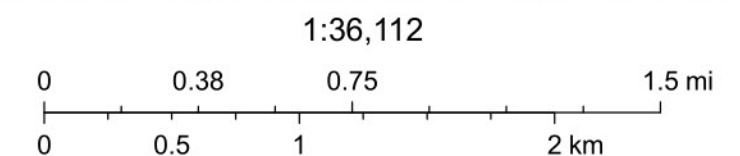
- Other
- Riverine
- Subwatershed (HUC12)
- Catchment

NHD Area

- Stream/River
- Waterbody
- Lake/Pond
- Non-Network Flowline
- Stream/River, Intermittent

Network Flowline

- Stream/River, Intermittent
- Stream/River, Perennial
- Artificial Path
- Flow Direction



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