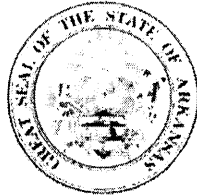




**US Army Corps  
of Engineers**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

APPLICATION NO.:	MVK-2017-40
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
E-MAIL:	Tarmiko.V.Graham@usace.army.mil
DATE:	June 7, 2017
EXPIRATION DATE:	June 28, 2017

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and/or fill material into waters of the United States.

Name of Applicant:  
Mr. Mike Duke  
Duke Family Limited Partnership, LLC  
603 North Market Street  
Benton, Arkansas 72015

Name of Agent:  
Mr. John Metailer  
PMI  
3512 South Shackleford Road  
Little Rock, Arkansas 72205

Location of Work: Section 20, Township 2S- Range 15W, Latitude 34.54237, Longitude -92.62755, within Lower Red-Ouachita Drainage Basin (8-digit USGS HUC: 08040203), Saline County, Arkansas.

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of Army permit to conduct regulated activities in jurisdictional areas for commercial developments. The applicant's stated purpose is to convert approximately 60 acres of pine timberlands into a property suitable for development. The proposed development would include eight retail stores, parking lots, and loading dock areas. The proposed project is located in an area that has high levels of traffic and well suited for development.

Approximately 1.45 acres of wetlands would be filled, and approximately 2.81 acres of wetlands would be cleared and excavated.

The vegetative communities within the project area are Sweetgum, Winged elm, Black willow, Green ash, Box elder, Sugarberry, Chinese privet, Slippery elm, Loblolly pine, Common rush and Poison ivy. Hydric soil within the wetland areas consists of Ouachita silt loam.

The applicant proposes on-site permittee-responsible compensatory mitigation for the unavoidable loss of wetland functions and values.

The placement of dredged and/or fill material in waters, including wetlands of the United States associated with the mechanized land clearing requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** Currently this office is coordinating with the State Historic Preservation Officer, Federally-recognized Tribes, and other interested parties regarding potential effects to historic properties that could result from the proposed activity.

**Endangered Species:** Our initial finding is that the proposed work will have no effect on the following endangered species or their critical habitats: Winged mapleleaf, Pink mucket, Arkansas fatmucket mussel, Rabbitsfoot, and Northern long-eared bat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat would be addressed in our evaluation of the described work. No further coordination under the Endangered Species Act is required with the U.S. Fish and Wildlife Service, unless there are changes in the scope or location of the proposed project.

**Flood Plain:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. Portions of the project are within the 100 year floodplain.

**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact 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 may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work.

Please bring this announcement to the attention of anyone you know who might be interested in this matter.

**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>, and click on ORM Permit Decisions under Program Links.


*Thomas A. McCabe*  
Thomas A. McCabe  
Chief, Evaluation Section  
Regulatory Branch

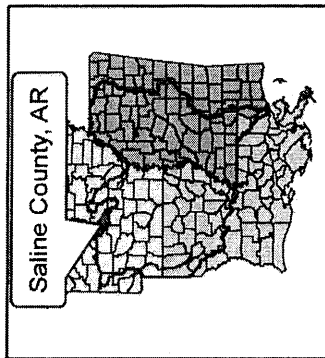


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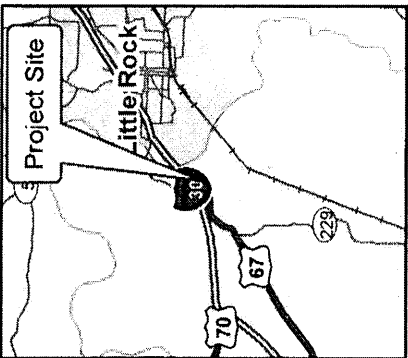

There are jurisdictional waters of the U.S. within the project boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S. will require a permit.

**Legend**

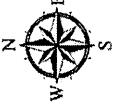
-  Project Boundary (57.32 Acs.)
-  Development Line
-  Wetlands (1.53 Acs. Clear/Fill)
-  Wetlands (2.70 Acs Clear/Excavate)




1 March 2017  
**MVK-2017-40**  
 Jurisdictional Determination  
 Duke Family Limited Partnership, LLC  
 Saline County, Arkansas  
 Preliminary  
 Jurisdictional Determination  
 Prepared by  
 Arel Simpson

**US Army Corps of Engineers**

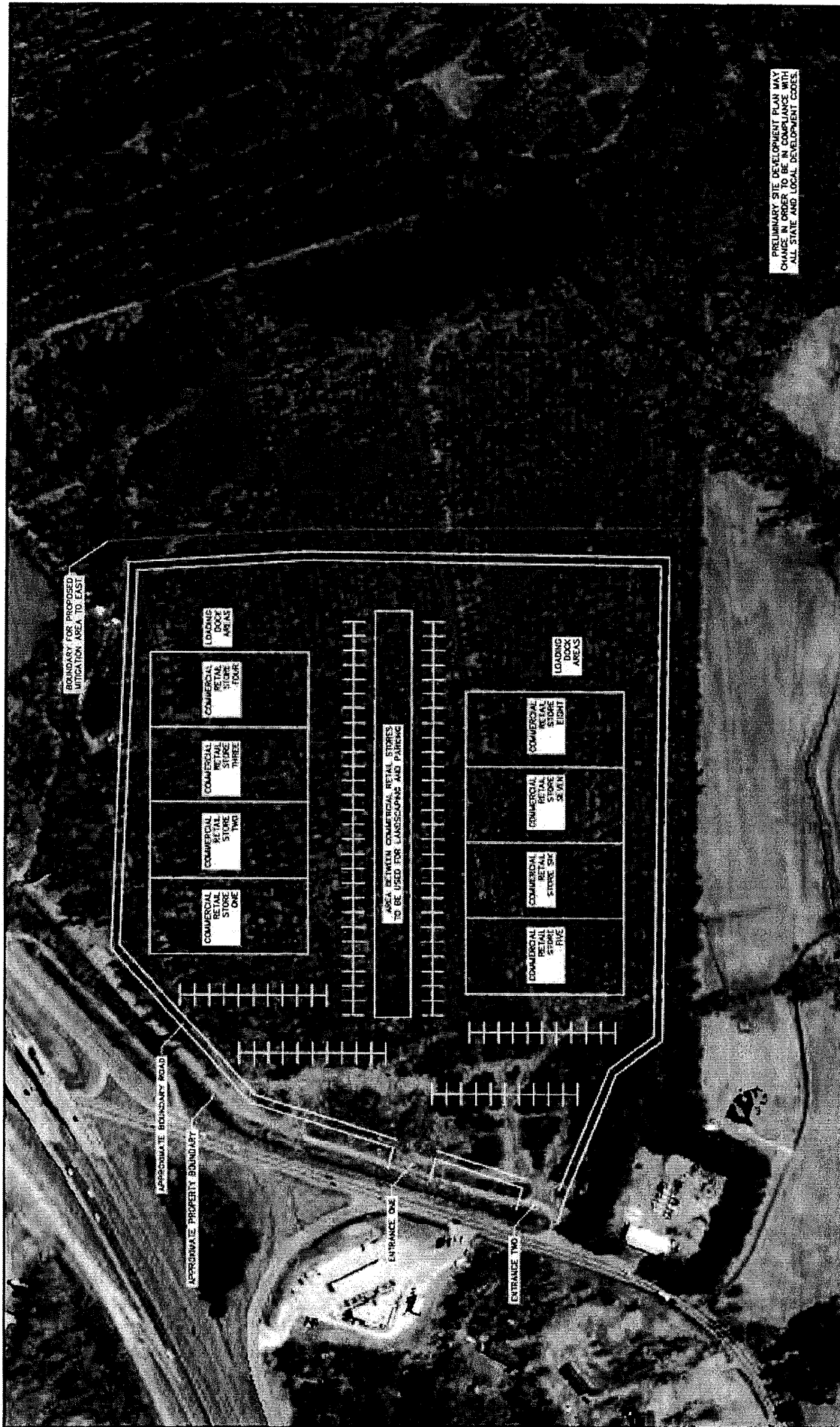




**Regulatory Branch**  
 Enforcement Section



0 105 210 420 Feet

Enclosure 1



<b>CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES</b> 3312 South Shackleford Rd. Little Rock, Arkansas 72206 (501) 221-7152 fax (501) 221-7775 	SUBMITTED: J. METRAILLER DRAWN: J. METRAILLER CHECKED: J. METRAILLER DATE: JUNE 2, 2017	WETLAND DELINEATION DUKE FAMILY LIMITED PARTNERSHIP, LLC INTERSTATE 30 & HIGHWAY 87 BENTON, ARKANSAS	AERIAL WITH SURVEYED WETLANDS OVERLAY AND PRELIMINARY SITE DEVELOPMENT PLAN	JOB NUMBER DFPL-10002 DRAWING NO.: 5
	SCALE 	PRELIMINARY SITE DEVELOPMENT PLAN MAY CHANGE IN ORDER TO BE IN COMPLIANCE WITH ALL STATE AND LOCAL DEVELOPMENT CODES.		

CEMVK-OD-FE TVG-MVK-2017-40

MR. MIKE DUKE  
DUKE FAMILY PARTNERSHIP, LLC