



**US Army Corps  
of Engineers.**

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



# Public Notice

APPLICATION NO.:	MVK-2017-393
EVALUATOR:	Robert Ulmer
PHONE NO.:	(601) 631-5637
E-MAIL:	Robert.G.Ulmer@usace.army.mil
DATE:	August 22, 2017
EXPIRATION DATE:	September 12, 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. Jeff Smith  
SBC Investments, LLC  
Post Office Box 52587  
Tulsa, Oklahoma 74152

Name of Agent:  
Mr. Joel Ward  
Lyrata Consulting, LLC  
10 Zackary Lane  
Mayflower, Arkansas 72106

Location of Work: Section 24, Township 2N-Range 11W, Latitude 34.78567, Longitude -92.14294, Bayou Meto Drainage Basin (8-Digit USGS HUC: 08040203), Pulaski 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 within jurisdictional wetlands associated with the construction of a commercial development. The applicant's stated purpose is to construct a truck sales and service center. The development will include the construction of four sales and service buildings, access roads, and parking areas. The proposed project is located east of North Little Rock along Interstate-40, which has high traffic levels with numerous existing commercial developments both east and west of the planned activity.

Approximately 5.33 acres of jurisdictional wetlands would be filled for the proposed project with approximately 31,400 cubic yards of clean soil as fill material.

The vegetative communities within the jurisdictional wetlands identified on the site include green ash, soft rush, red vine, fox sedge, marshpepper, blunt spike rush, and water primrose. Hydric soils within the wetland areas consists of Perry clay and Rilla silt loam (concave depressional landforms).

The applicant proposes to mitigate for the unavoidable loss of wetland functions and values through the purchase of mitigation credits from an approved mitigation bank whose service area includes the same 8-digit HUC unit 08040203.

The placement of dredged and/or fill material into waters of the United States, including wetlands requires a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act prior to the action beginning.

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: Piping Plover and Running Buffalo Clover. 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.

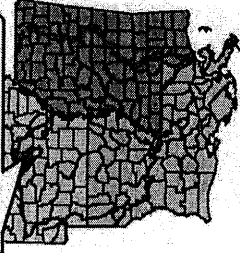
**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on 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

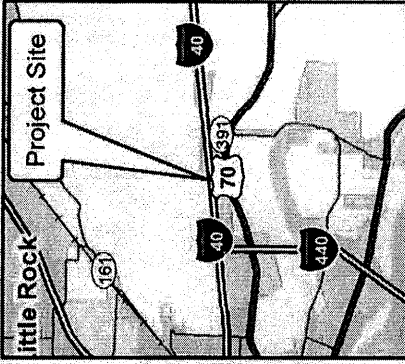
Pulaski County, AR



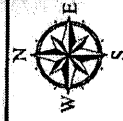
11 July 2017

**MVK-2017-393**

Jurisdictional Determination  
Mr. Jeff Smith  
SBC Investments, LLC  
North Little Rock, Pulaski County, Arkansas  
**Preliminary**  
Jurisdictional Determination  
Prepared by  
Arel Simpson

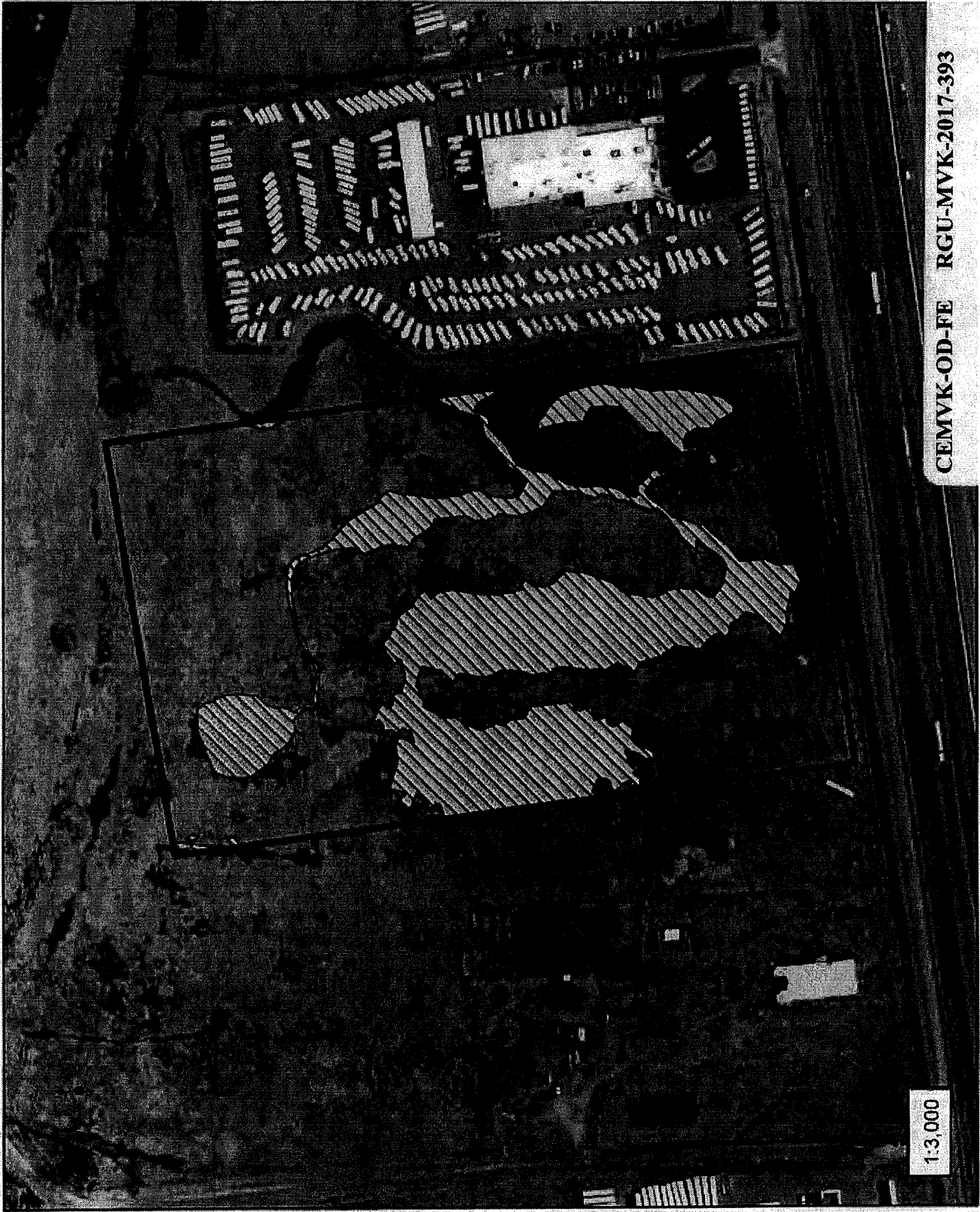


US Army Corps  
of Engineers.



Regulatory Branch  
Enforcement Section

Enclosure 1



CEMVK-OD-FE RGU-MVK-2017-393

MR. JEFF SMITH  
SBC INVESTMENTS, LLC

**Legend**



Project Boundary (20.55 Acs.)



Jurisdictional Wetlands (5.33 Acs)

1:3,000

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.

AREA TO BE FILLED FOR PARKING/ GRADING

POTENTIAL DETENTION BASIN LOCATION

19,000SF BUILDING

PAVEMENT EDGE

70,000SF BUILDING

52,500SF BUILDING(S)

AREA TO BE FILLED FOR PARKING/ GRADING

DIAMOND DRIVE

INTERSTATE-40 WB-LANE




INTERSTATE 40 EB LANE

MABELINE DRIVE

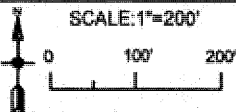
NOTE: ALL AREAS OUTSIDE THE BUILDING FOOTPRINTS SHALL BE FILLED FOR PARKING AREA/ OR GRADING

CEMYK-OD-FE RGU-MVK-2017-393

MR. JEFF SMITH  
SBC INVESTMENTS, LLC

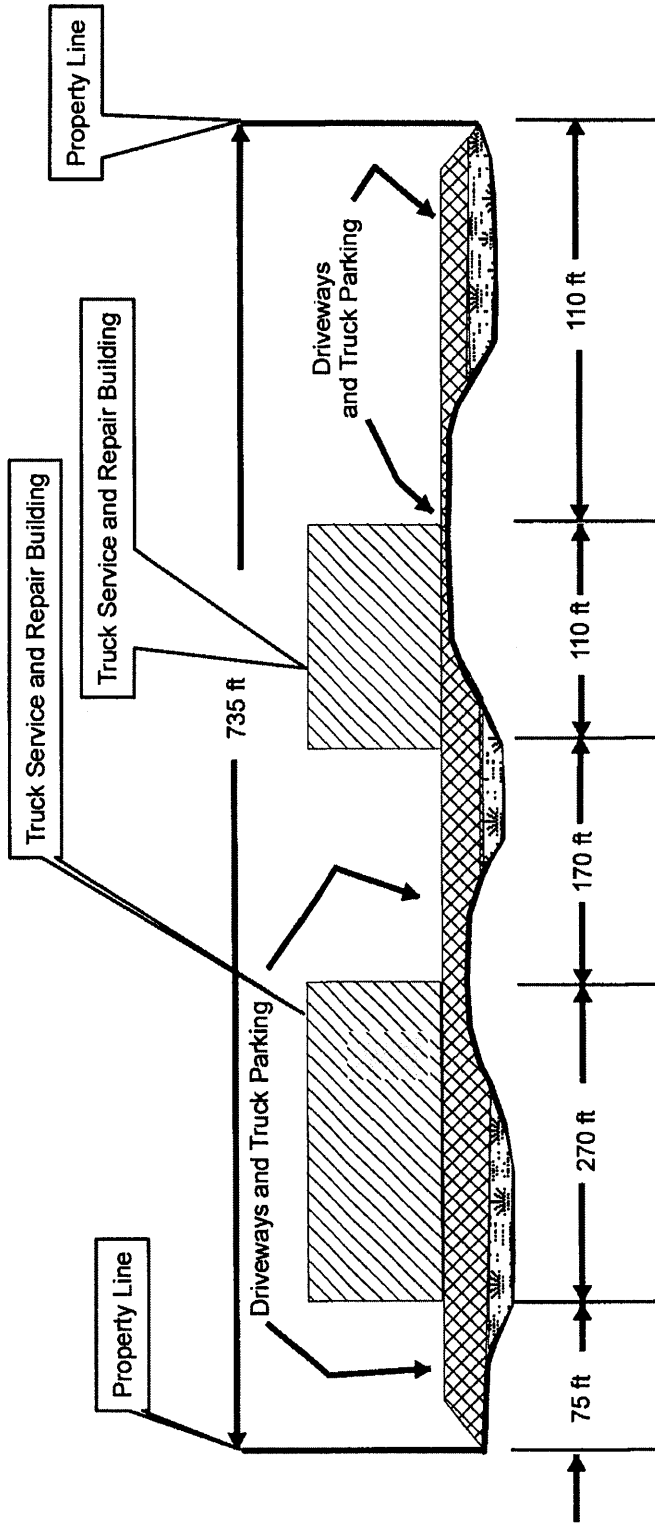
-  PROPERTY BOUNDARY
-  WETLANDS TO BE FILLED - 5.33 ACRES
-  PROPOSED BUILDINGS

SCALE: 1"=200'




**PROPOSED FILL IN WETLANDS FOR COMMERCIAL DEVELOPMENT**

Section 24, T 2 N, R 11 W  
PULASKI COUNTY,  
ARKANSAS  
AUG 3, 2017  
IMAGERY, 2012



**SECTION A - A'**  
 (See Location on Sheet 3)  
 NTS - All Dimensions Are Approximate

 Filled Areas with Parking and Building  
 (Area filled to approximately the level of frontage road)

 Wetland to be Filled

SBD Investments, LLC  
 Proposed Fill in Wetlands  
 For Commercial Development  
 Section 24, T 2 N, R 11 W  
 Pulaski County, Arkansas  
 June 2017 Sheet 4 of 4

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MR. JEFF SMITH  
 SBC INVESTMENTS, LLC

Lyrata Consulting, LLC