



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2019-00285

Date: October 22, 2019

Comments Due: November 18, 2019

TO WHOM IT MAY CONCERN: **Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the regulator, Jim Ellis, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Jim.D.Ellis@usace.army.mil

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Mr. Chris Thornton
Thornton Commercial Builders
1855 McKennon Street, Suite 100
Conway, Arkansas 72032**

has requested authorization for the placement of dredged and fill material in 6.2 acres of wetlands associated with the construction of an 11.5-acre assisted living facility with ancillary services for the residents of the assisted living village and the general public. These ancillary services may include, but are not limited to, a pharmacy, a restaurant, a salon, a small grocery/market, etc. The project site is located at 32 Bronnie Lane in Conway, Arkansas, and will provide access to Interstate 40 by way of Bronnie Lane. Mechanized land clearing, grading, and road construction will take place using suitable equipment (such as excavators, dump trucks, and bulldozers). The proposed project is located in wetlands associated with Stone Dam Creek that flows eastward into Lake Conway and then ultimately into Palarm Creek and the Arkansas River, in section 20, T. 5 N., R. 13 W., Faulkner County, Arkansas.

The purpose of the project is to provide a site for commercial development that is accessible along Interstate 40 to service Conway and surrounding areas. The project is not water dependent.

The site is surrounded by urban and commercial development in a rapidly expanding portion of Central Arkansas along Interstate 40. Interstate 40 and Lake Conway are located immediately east of the project site. Terrain on the project site consists of uplands and wetlands adjacent to Stone Dam Creek that flows east under Interstate 40 into Lake Conway. To accomplish the project, clearing of existing wetland vegetation (including trees), filling, and grading of wetlands would be required. Approximately 60,000 cubic yards of soil, rock, and concrete would be required for fill material. Other authorizations, including a storm water pollution prevention plan (SWPPP) will be obtained to prevent and minimize transport of sediment to downstream waters

not receiving fill material. Typical best management practices such as silt fencing and other construction methods would be used to mitigate impacts to water quality and other resources.

The applicant has investigated other alternative project sites in proximity to the proposed site. However, the proposed site is the only available property that offers visual access to Interstate 40 and is in close proximity to a major hospital, and meets the project purpose. The proposed project site has been owned by the permit applicant since December 5, 2005. The applicant has altered the layout of the commercial development to reduce the amount of wetlands that would be permanently lost.

Compensatory mitigation requirements for impacts to wetlands would be assessed utilizing the 2002 Charleston Method with the Little Rock District Addendum. The applicant proposes to mitigate for unavoidable impacts by purchasing wetland credits from an approved mitigation bank that services the area.

The location and general plan for the proposed work are shown on the enclosed sheets (Sheets 1-4 of 4).

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification will be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit, which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal CFR 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **November 18, 2019**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, 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 the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic 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 and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: **35.05244**

Longitude: **-92.41661**

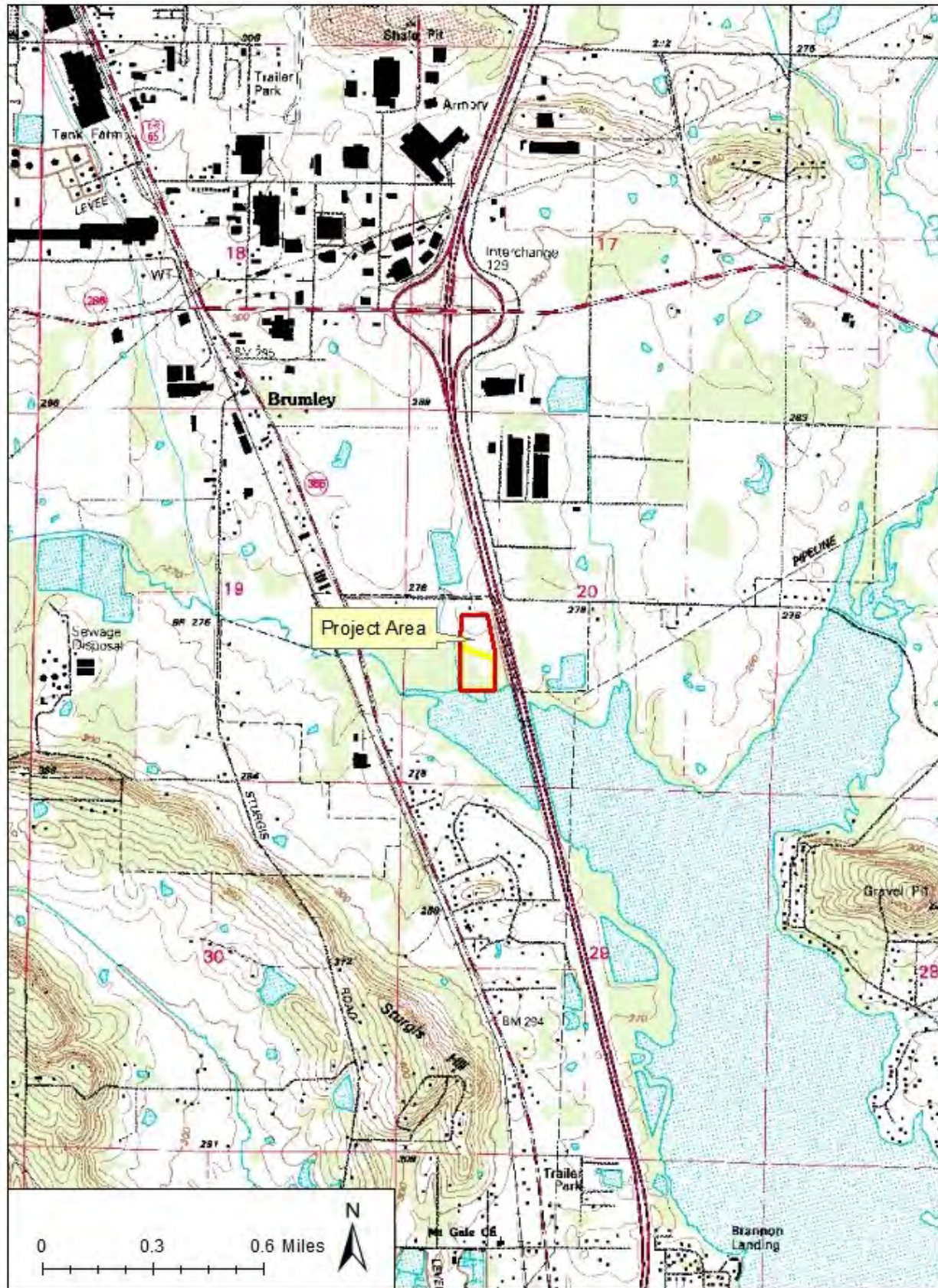
UTM Zone: **15**

North: **3879014.04**

East: **553201.63**



ACTION NO.: SWL-2019-00285
 Thornton Commercial Development
 COMMERCIAL DEVELOPMENT
 Wetlands adjacent to Stone Dam Creek
 Section 20, T. 5 N., R. 13 W.
 October 2019



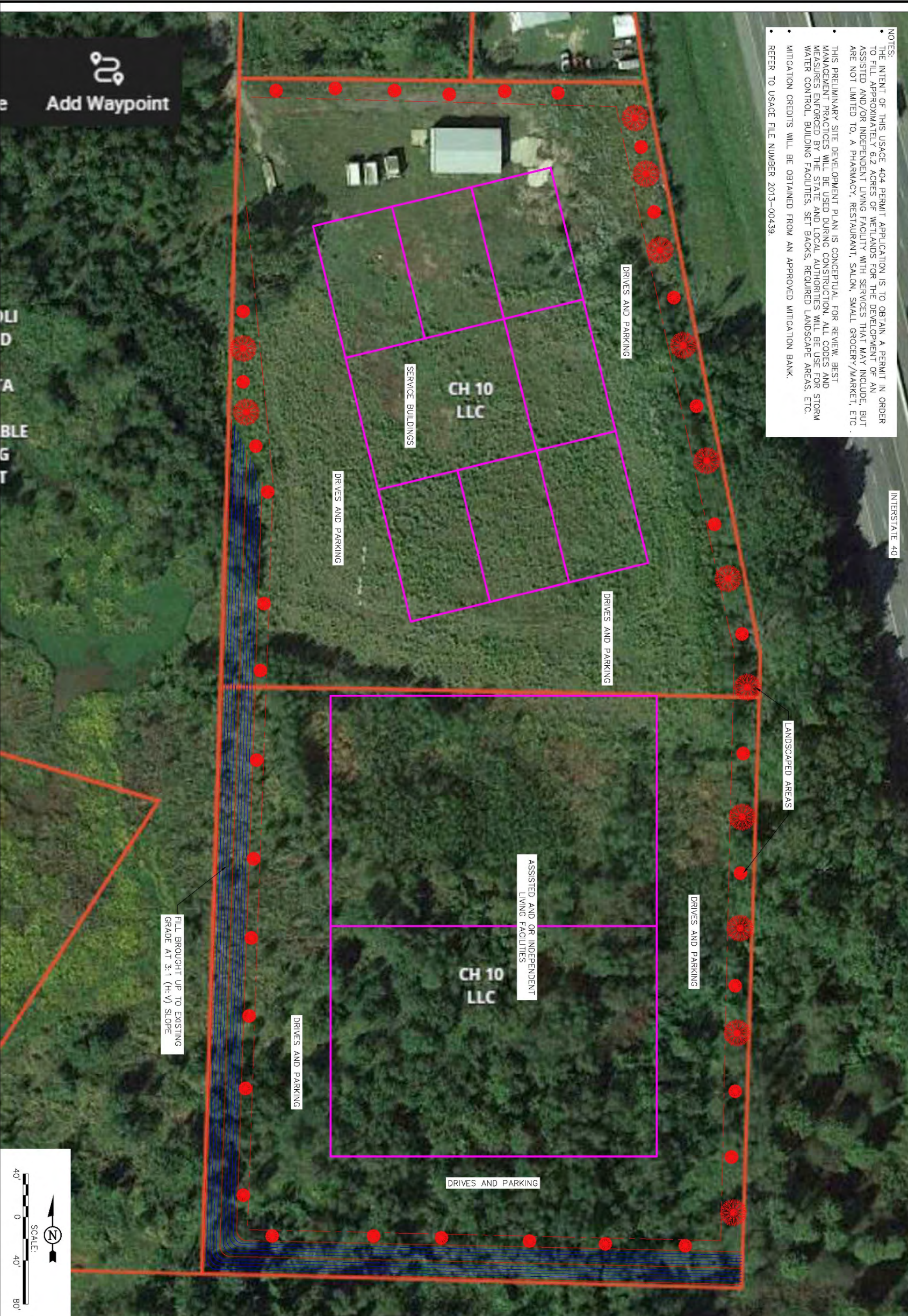
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NOTES:

- THE INTENT OF THIS USACE 404 PERMIT APPLICATION IS TO OBTAIN A PERMIT IN ORDER TO FILL APPROXIMATELY 6.2 ACRES OF WETLANDS FOR THE DEVELOPMENT OF AN ASSISTED AND/OR INDEPENDENT LIVING FACILITY WITH SERVICES THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, A PHARMACY, RESTAURANT, SALON, SMALL GROCERY/MARKET, ETC.
- THIS PRELIMINARY SITE DEVELOPMENT PLAN IS CONCEPTUAL FOR REVIEW. BEST MANAGEMENT PRACTICES WILL BE USED DURING CONSTRUCTION. ALL CODES AND MEASURES ENFORCED BY THE STATE AND LOCAL AUTHORITIES WILL BE USED FOR STORM WATER CONTROL, BUILDING FACILITIES, SET BACKS, REQUIRED LANDSCAPE AREAS, ETC.
- MITIGATION CREDITS WILL BE OBTAINED FROM AN APPROVED MITIGATION BANK.
- REFER TO USACE FILE NUMBER 2013-00439.



<p>CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES 3512 SOUTH SHACKLEFORD RD LITTLE ROCK, ARKANSAS 72205 PH: (501) 221-7122 FX: (501) 221-7775</p>	<p>DESIGNED BY: JTM DATE: AUG. 22, 2019</p>		<p>NO. DATE DESCRIPTION</p>	<p>BY:</p>	<p>SHEET TITLE: CONCEPTUAL SITE DEVELOPMENT PLAN</p>	<p>SUBMITTED FOR REVIEW</p>
	<p>DRAWN BY: JTM SCALE: 1" = 40'</p>				<p>PROJECT TITLE: USACE 404 PERMIT REQUEST THORNTON BUILDERS CONWAY, ARKANSAS</p>	
	<p>CHECKED BY: JTM</p>				<p>JOB NUMBER: THOR-11592</p> <p>SHEET NUMBER: 2</p>	

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