



**US ARMY Corps
Of Engineers®**
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2014-00019

Date: April 14, 2014

Comments Due: May 9, 2014

**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 project manager, 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. Craig Woodcock
Ben E. Keith Company
601 E. 7th Street
Fort Worth, Texas 76102**

has requested authorization for the placement of dredged and fill material in wetlands and waters of the United States associated with the construction of a food service products warehouse distribution facility on a site that is approximately 70 acres and includes truck and rail access. The proposed project would impact (fill) approximately 4.3 acres of scrub-shrub wetlands adjacent to Stark Bend and 967 linear feet of a jurisdictional ephemeral channel that connects an intermittent stream on the east side of the property to wetlands on the west side of the property. Water flow exits Stark Bend and enters the project area wetlands and the jurisdictional ephemeral channel which then flows eastward into a north-south running intermittent stream located on the east side of the property. This intermittent stream flows south through unnamed intermittent channels where it enters Faulkner Lake, which is an oxbow lake. Water exits Faulkner Lake through the main Faulkner Lake channel where it flows southward into Horseshoe Lake, Scott Bayou, and Old River Lake, all remnant oxbow lakes of the Arkansas River. Exiting Old River Lake, water then flows through the main drainage channel into the Arkansas River. The proposed project is located immediately south of Stark Bend, in the SE 1/4 of section 27, T. 2 N., R. 11 W., North Little Rock, Pulaski County, Arkansas.

The basic purpose of the project is to provide a warehouse and distribution facility. The overall purpose of the project is to provide a state of the art warehouse and distribution facility for food service products in the North Little Rock, Arkansas area. The project is not water dependent.

To accomplish the project, it would require grading of the land which would result in a discharge of approximately 7,377 cubic yards of fill material into jurisdictional wetlands and waters of the United States. Construction would include a warehouse distribution facility consisting of approximately 336,500 square feet of buildings and approximately 690,000 square feet of paving

in the initial phase. The ultimate build out would add approximately 504,000 additional square feet to the building construction. The flow of water at the project site would be diverted through constructed channels and culverts that would divert flow around the perimeter of the project site and southward under Highway 70 into existing intermittent channels flowing southeast into Faulkner Lake.

The applicant has investigated two (2) alternative sites for the project and selected the site with the least amount of wetland impacts. The applicant proposes to purchase wetland and stream impact credits from an approved mitigation bank to compensate for impacts to these resources. The applicant also plans to construct and preserve a 25-foot wide buffer strip on both sides of the existing intermittent stream located on the eastern side of the property between the developed and undeveloped property to protect existing water quality in the channel. Normal best management practices such as silt fencing and other construction methods will be used to mitigate impacts to water quality and other resources.

The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 8. Sheet Number 6 denotes the property as having the following land uses: trade fair, heavy and light industrial; Sheet Number 7 shows that the northeast corner of the project, which is not planned for development, is within the 100-year floodplain; and Sheet Number 8 depicts that the property is zoned as C-3 and I-2, both of which allow for distribution and warehouse facilities.

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.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain 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 Regulations (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 **May 9, 2014**. 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, flood plain 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 also 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: **34.77297** Longitude: **-92.16608**

UTM Zone: **15** North: **3848184** East: **576306**

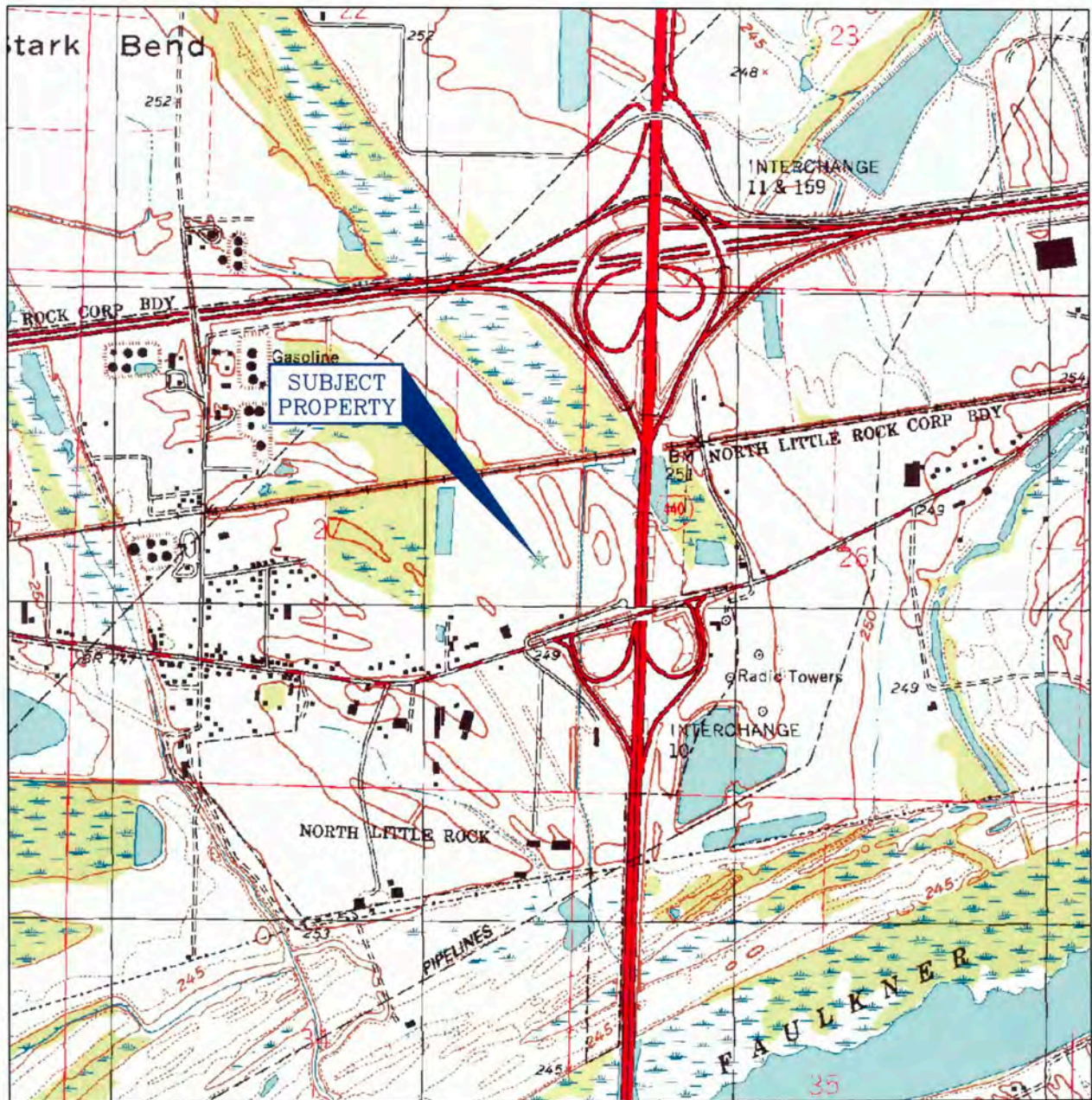


FIGURE NO. 1

TOPOGRAPHIC MAP TAKEN FROM McALMONT QUADRANGLE MAP DATED 1994

404 PERMIT APPLICATION
71+ ACRES
HIGHWAY 70
NORTH LITTLE ROCK, ARKANSAS



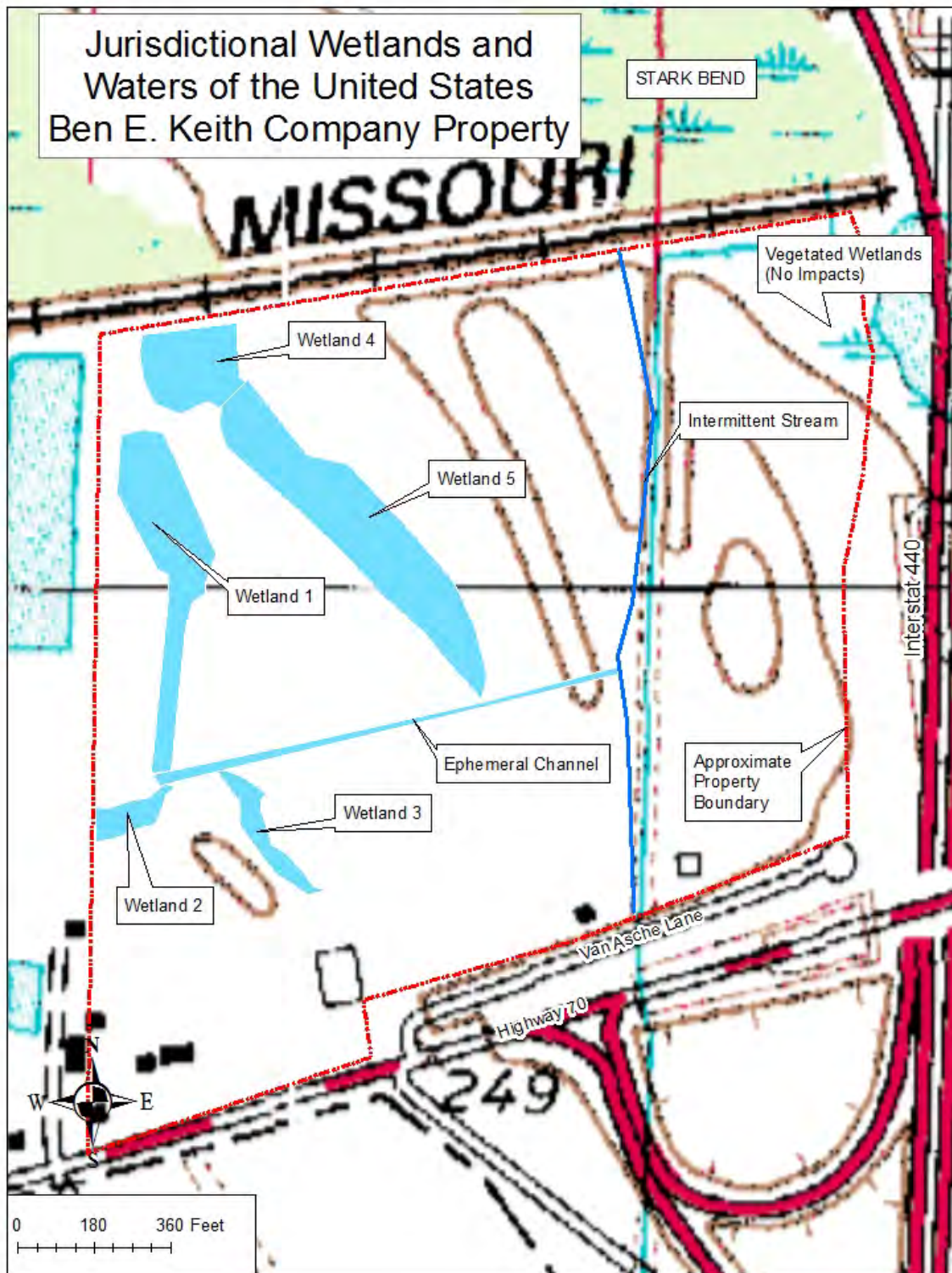
CIVIL ENGINEERING AND
ENVIRONMENTAL SERVICES
3512 South Shackleford Road
Little Rock, Arkansas 72205
(501) 221-7122 fax (501) 221-7775

SUBMITTED:	D. FORD
DRAWN:	J. BLACK
CHECKED:	D. FORD
DATE:	DEC. 31, 2013

SCALE:

JOB NUMBER:

ACTION NO.: 2014-00019
Ben E. Keith Company
COMMERCIAL DEVELOPMENT
Wetlands and ephemeral channel
Section 27, T. 2 N., R. 11 W.
April 2014 Sheet 1 of 8



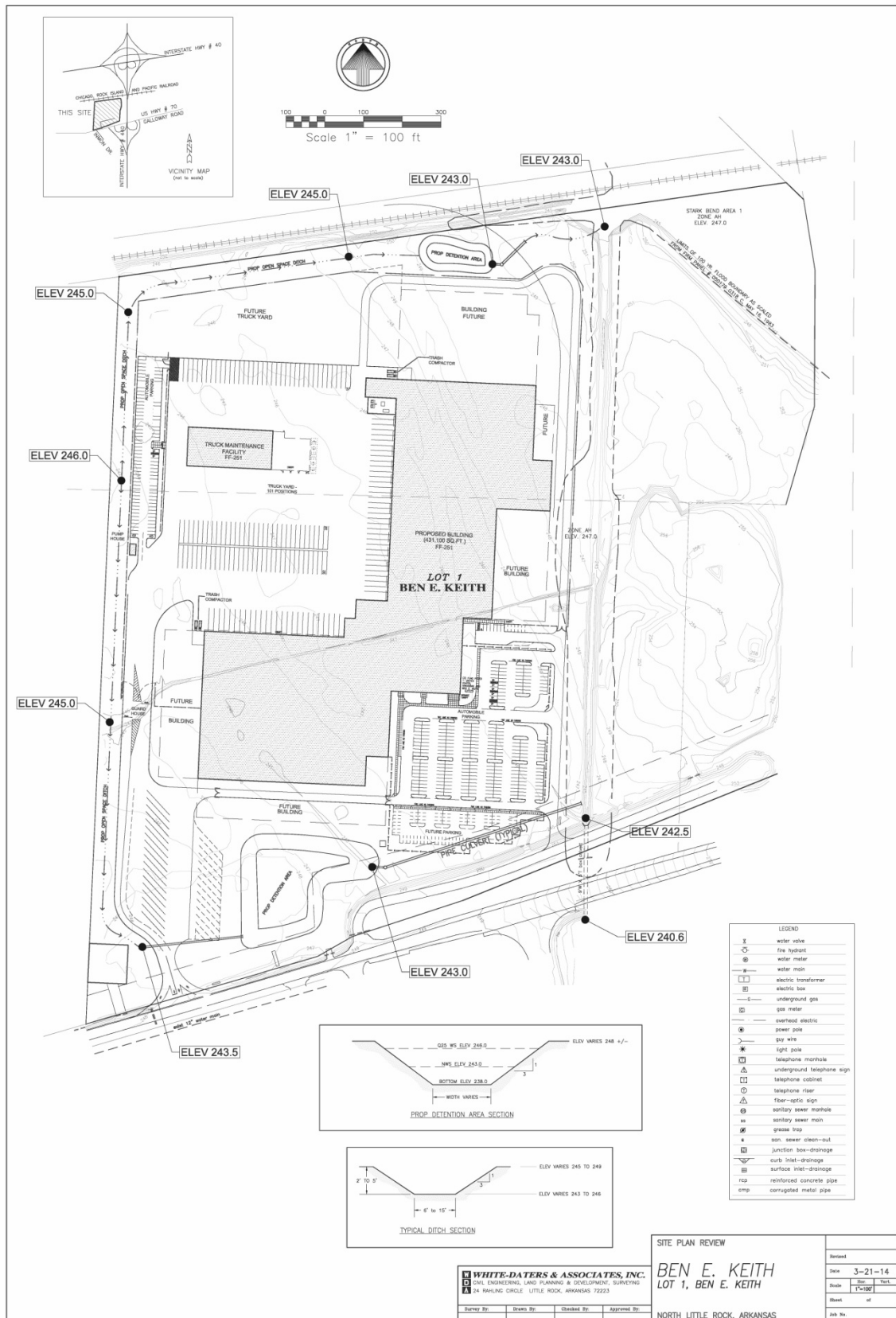
ACTION NO.: 2014-00019

Ben E. Keith Company
COMMERCIAL DEVELOPMENT
Wetlands and ephemeral channel
Section 27, T. 2 N., R. 11 W.
April 2014

Sheet 2 of 8



ACTION NO.: 2014-00019
Ben E. Keith Company
COMMERCIAL DEVELOPMENT
Wetlands and ephemeral channel
Section 27, T. 2 N., R. 11 W.
April 2014 Sheet 3 of 8

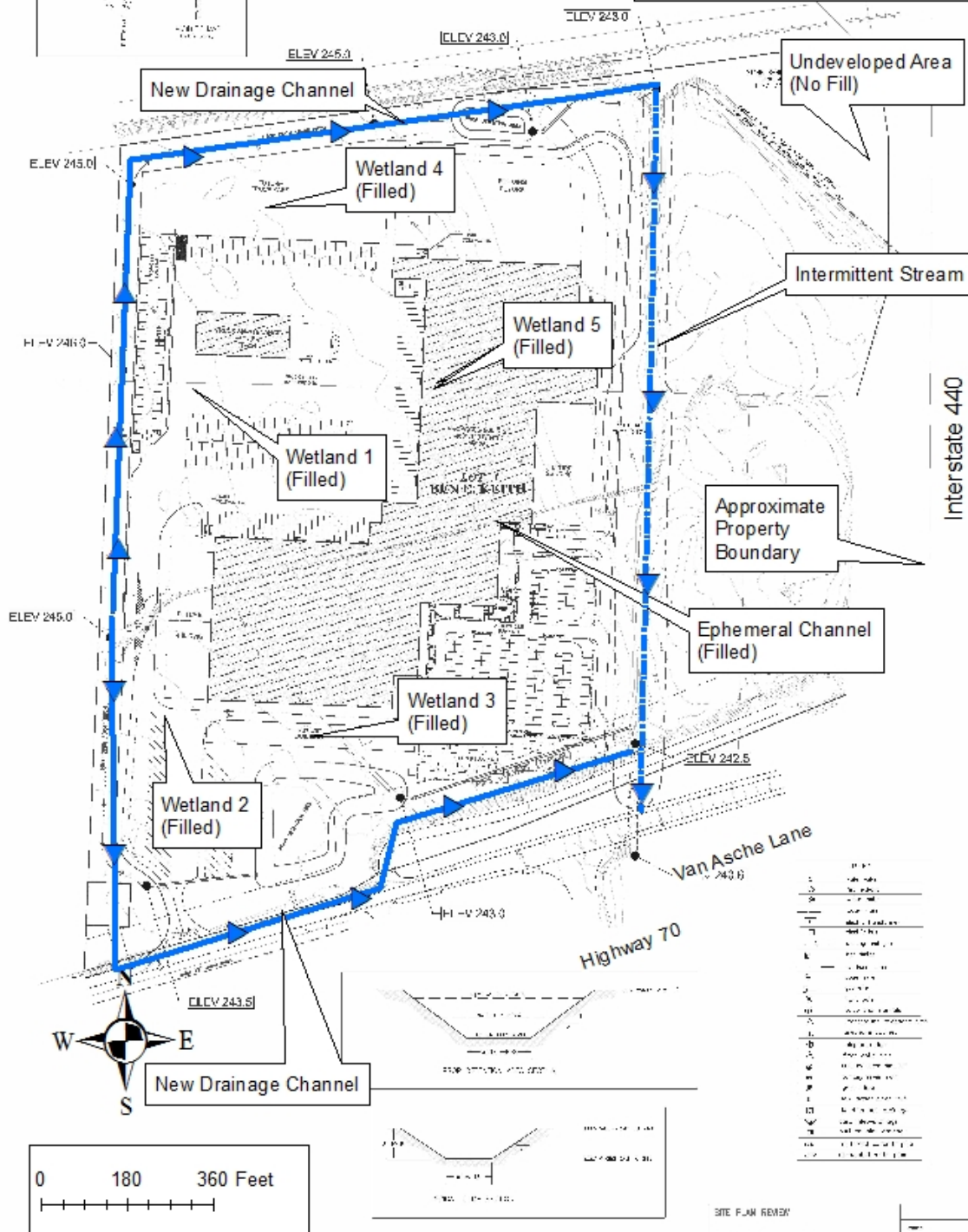


ACTION NO.: 2014-00019
Ben E. Keith Company
COMMERCIAL DEVELOPMENT
Wetlands and ephemeral channel
Section 27, T. 2 N., R. 11 W.
April 2014 **Sheet 4 of 8**

New Drainage Channels Ben E. Keith Company Property

STARK BEND

NOTE: Blue Lines and Callouts
Added to Original Drawing



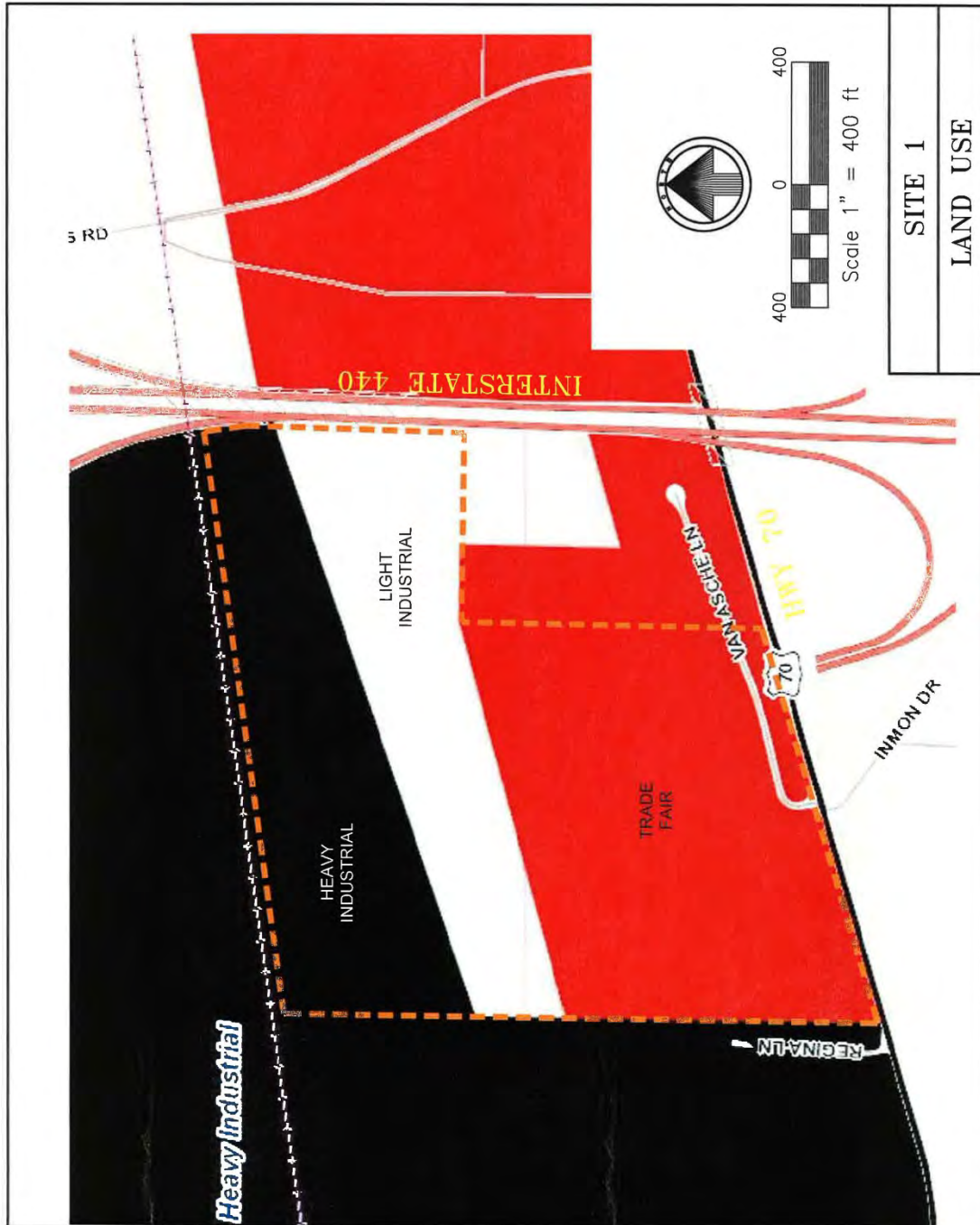
SITE PLAN REVIEW

BEN E. KEITH
LOU T. BEN E. KEITH

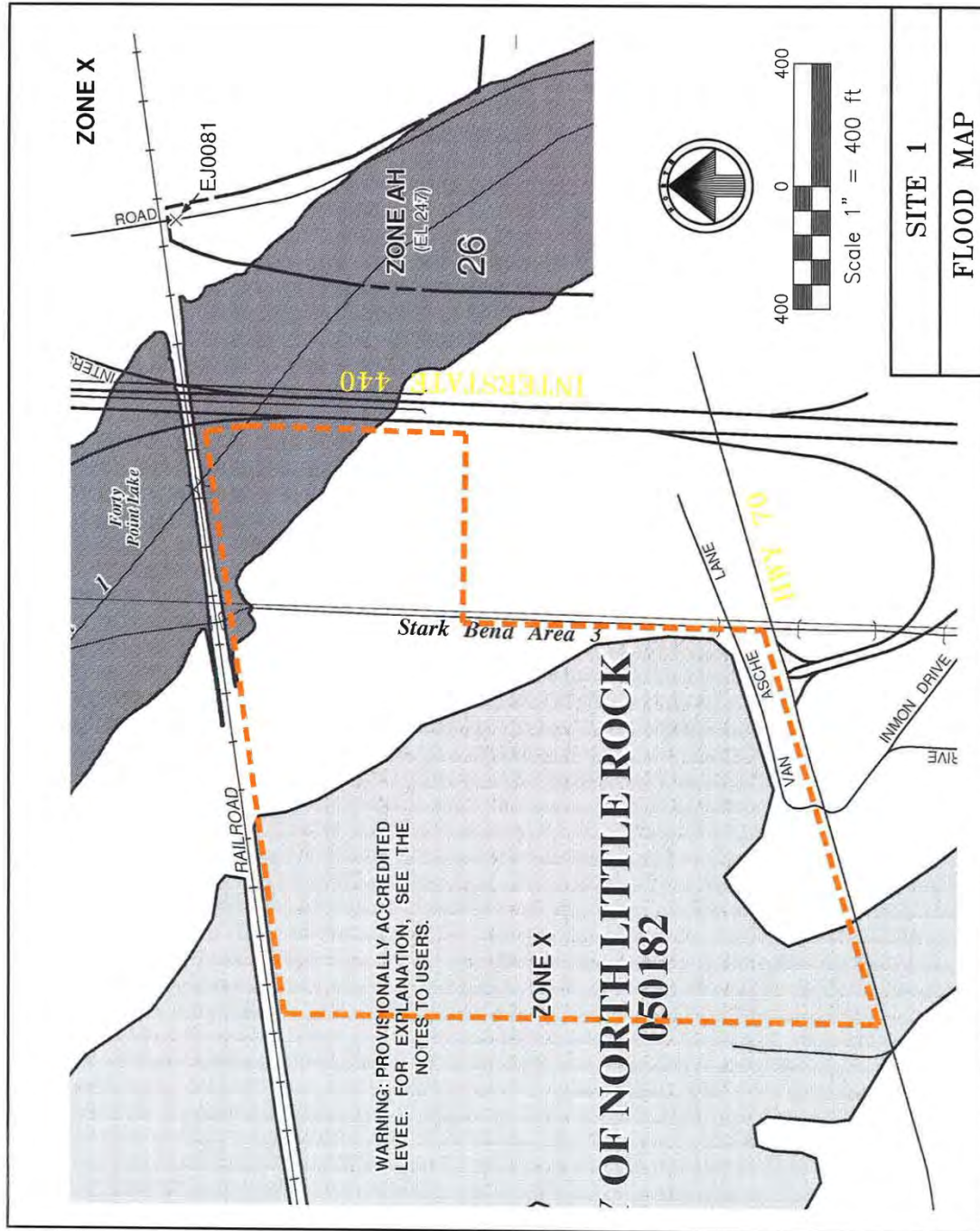
WORTH LITTLE ROCK, ARKANSAS

ACTION NO.: 2014-00019

Ben E. Keith Company
COMMERCIAL DEVELOPMENT
Wetlands and ephemeral channel
Section 27, T. 2 N., R. 11 W.
April 2014 Sheet 5 of 8



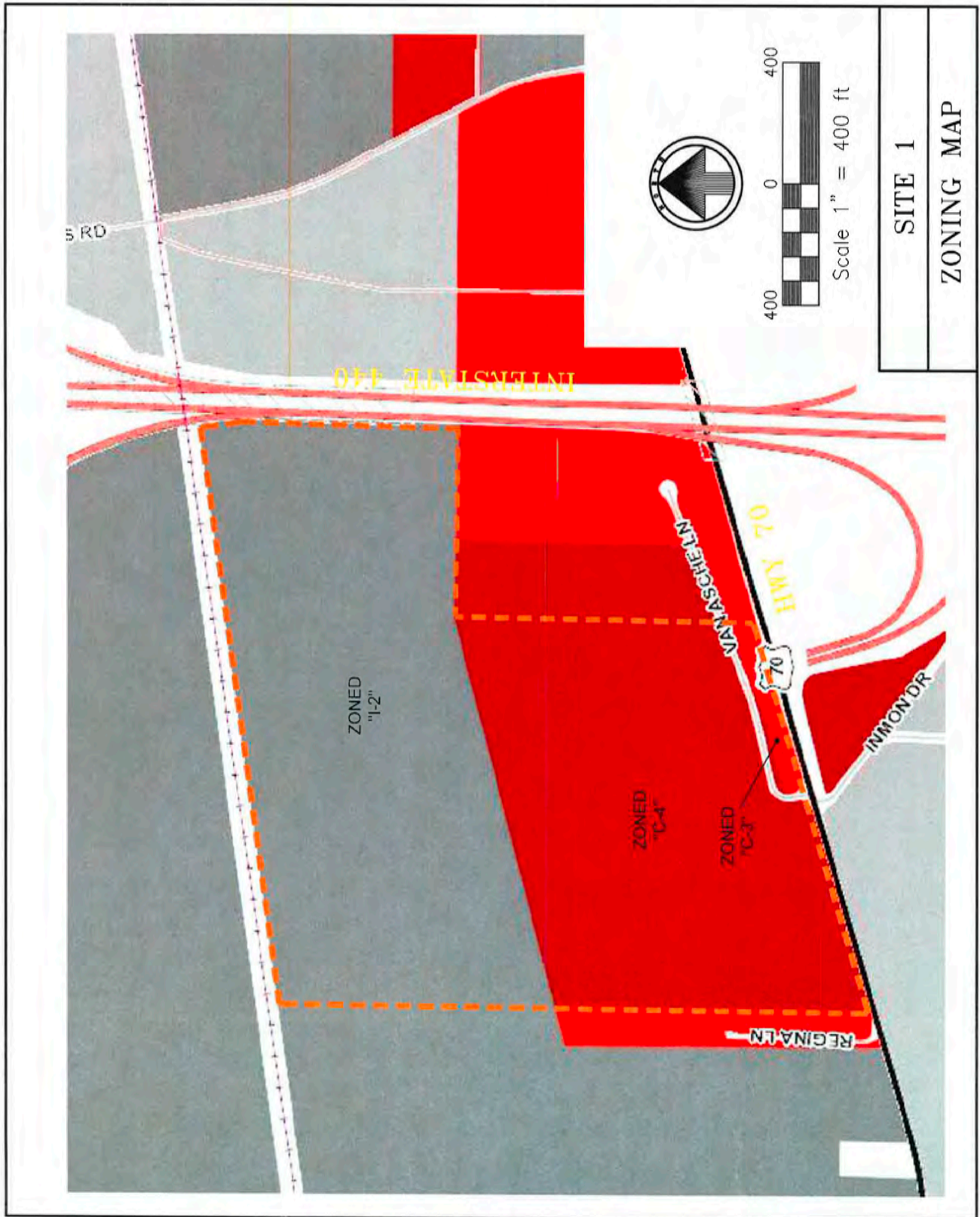
ACTION NO.: **2014-00019**
 Ben E. Keith Company
 COMMERCIAL DEVELOPMENT
 Wetlands and ephemeral channel
 Section 27, T. 2 N., R. 11 W.
 April 2014 Sheet 6 of 8



ACTION NO.: 2014-00019

Ben E. Keith Company
COMMERCIAL DEVELOPMENT
 Wetlands and ephemeral channel
 Section 27, T. 2 N., R. 11 W.
 April 2014

Sheet 7 of 8



ACTION NO.: 2014-00019

Ben E. Keith Company
COMMERCIAL DEVELOPMENT
 Wetlands and ephemeral channel
 Section 27, T. 2 N., R. 11 W.
 April 2014 Sheet 8 of 8