



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL-2017-00281

Date: January 18, 2018

Comments Due: February 12, 2018

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, Lisa Boyle, telephone number: (501) 340-1385, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Lisa.A.Boyle@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 Beason
Zero Mountain, Inc.
P.O. Box 6209
Fort Smith, Arkansas 72906**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the expansion of the North Little Rock Zero Mountain cold storage facility. The proposed project is located in wetlands, in section 25, T. 2 N., R. 12 W., North Little Rock, Pulaski County, Arkansas.

The basic purpose of the project is to expand the size of an existing cold storage facility. The overall purpose of the project is to expand a facility with approximately 88,000 square feet of cold storage capacity to approximately 318,000 square feet of cold storage capacity.

Proposed Project. The proposed project consists of two main activities, the expansion of the cold storage facility and the flood mitigation which is required for compliance with the National Flood Insurance Program.

The expansion of the cold storage facility would occur in three phases. Phase 1 would add an additional 96,000 square feet of freezer storage capacity to the facility, as well as a mechanical engine room. Phase 2 would add 134,400 square feet of convertible freezer-to-refrigerator storage, nearly 36,000 square feet of cool dock to include at least 20 load doors, and parking area to accommodate. Phase 3 would add additional parking space for an estimated 50 drop trailers and operating room for between 150 and 200 trucks to be unloaded and/or loaded per day, as well as a 24,000-square-foot truck garage and commercial scale and fueling station.

Flood mitigation consists of deepening and enlarging both Flood Mitigation Areas 1 and 2. Flood Mitigation Area 1 would be enlarged by approximately 1.2 acres, while Flood Mitigation Area 2 would be enlarged by approximately 6.3 acres.

Overall, impacts to wetlands are estimated to include the permanent fill of 2.91 acres, temporary fill of 0.3 acres from the retention berms, and temporary impacts to 5.05 acres of wetlands via excavation.

Existing Site Conditions. The site consists of two distinct areas on either side of Big Ditch. The western parcel contains the existing 88,000-square-foot facility, a storm water detention pond referred to as Flood Mitigation Area 1, and open field. The wetland boundary of the field is dependent on the microtopography of the site as the wetland areas are generally only a few inches lower in elevation than areas which are not considered wetlands. Approximately 6.81 acres of wetlands were delineated in the western parcel, with approximately 3.9 acres being in Flood Mitigation Area 1.

The eastern parcel includes a storm water detention pond referred to as Flood Mitigation Area 2, with the remainder of the site consisting of relatively young forest. A portion of the eastern site was deed restricted as wetland mitigation for other projects. A wetland delineation of the eastern parcel revealed the presence of approximately 2.55 acres of wetlands, of which approximately 1.5 acres are within Flood Mitigation Area 2. Approximately 1.53 acres of wetland mitigation area is present immediately north of the parcel.

For the entire property, a total of approximately 9.36 acres of wetlands were found onsite, of which approximately 5.4 acres are present within storm water detention ponds.

Avoidance, Minimization, and Mitigation. Avoidance and minimization of wetlands is impractical on the western parcel due to the location and configuration of the existing facility. Rearranging the facility would result in a less efficient cooling mechanism. The proposed configuration minimizes energy inefficiency by consolidating cooling areas to the extent possible.

The storm water detention ponds on the eastern parcel have been designed in order to avoid impacts to approximately 1.0 acre of wetlands on the subject property, and to avoid adverse impacts to the wetland mitigation area north of the parcel.

Flood mitigation is required for this project due to its location within the 100-year floodplain; the applicant proposes to design the flood mitigation in a manner which will create or enhance wetlands and provide wildlife habitat. The applicant proposes to utilize this as mitigation for wetland impacts as well, with the purchase of mitigation bank credits if more compensation is deemed necessary.

The location and general plan for the proposed work are shown on the enclosed sheets.

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.

The Guidelines define water dependency in terms of an activity requiring access or proximity to or siting within a special aquatic site to fulfill its basic project purpose. Special aquatic sites (as defined in 40 CFR 230.40-230.45) are: (1) sanctuaries and refuges; (2) wetlands; (3) mud flats; (4) vegetated shallows; (5) coral reefs; and (6) riffle and pool complexes. Pursuant to these guidelines, the project is not water dependent.

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 **February 12, 2018**. 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

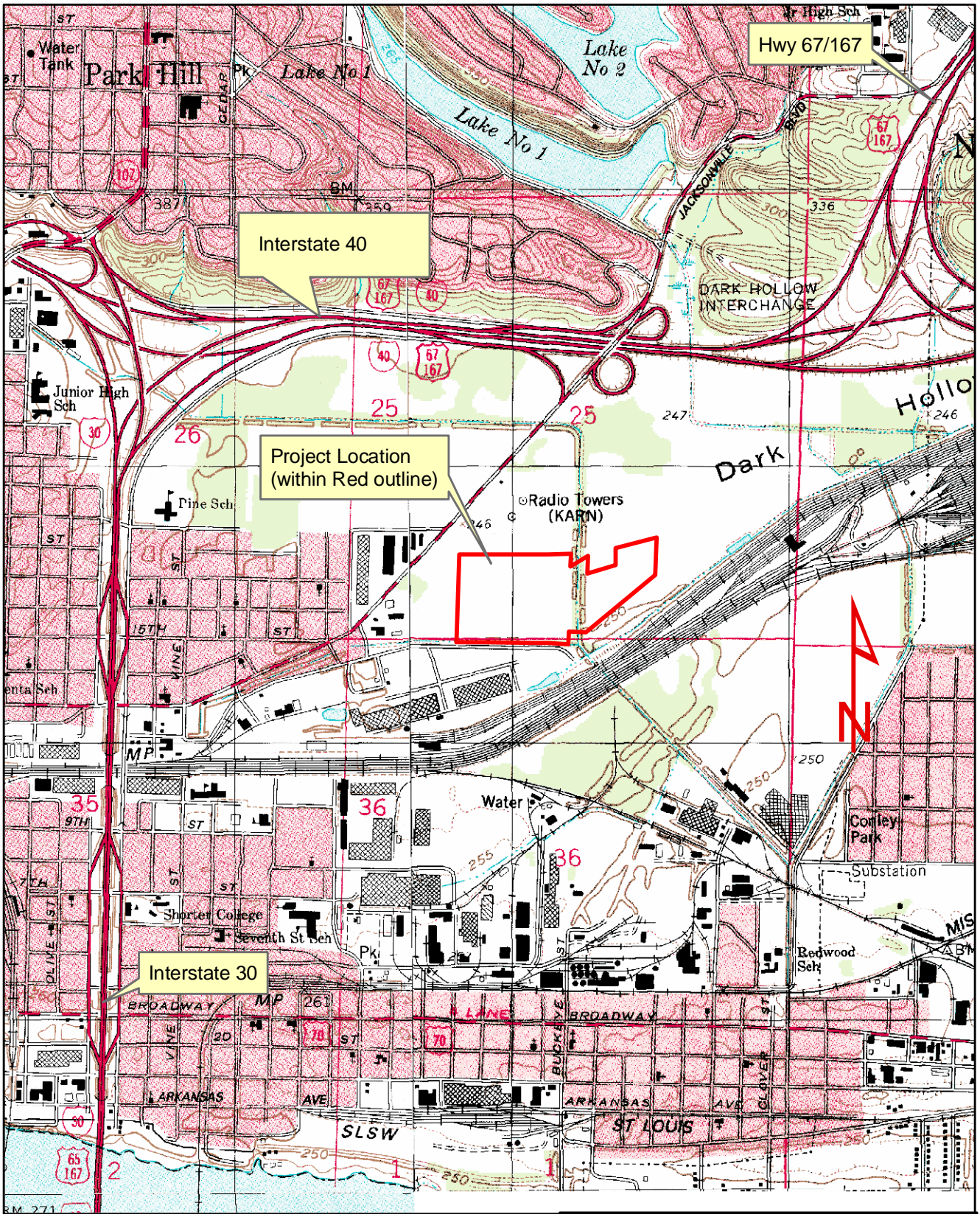
Approximate Coordinates of Project Center

Latitude: **34.77°N**

Longitude: **-92.245°W**

UTM Zone: **15N**

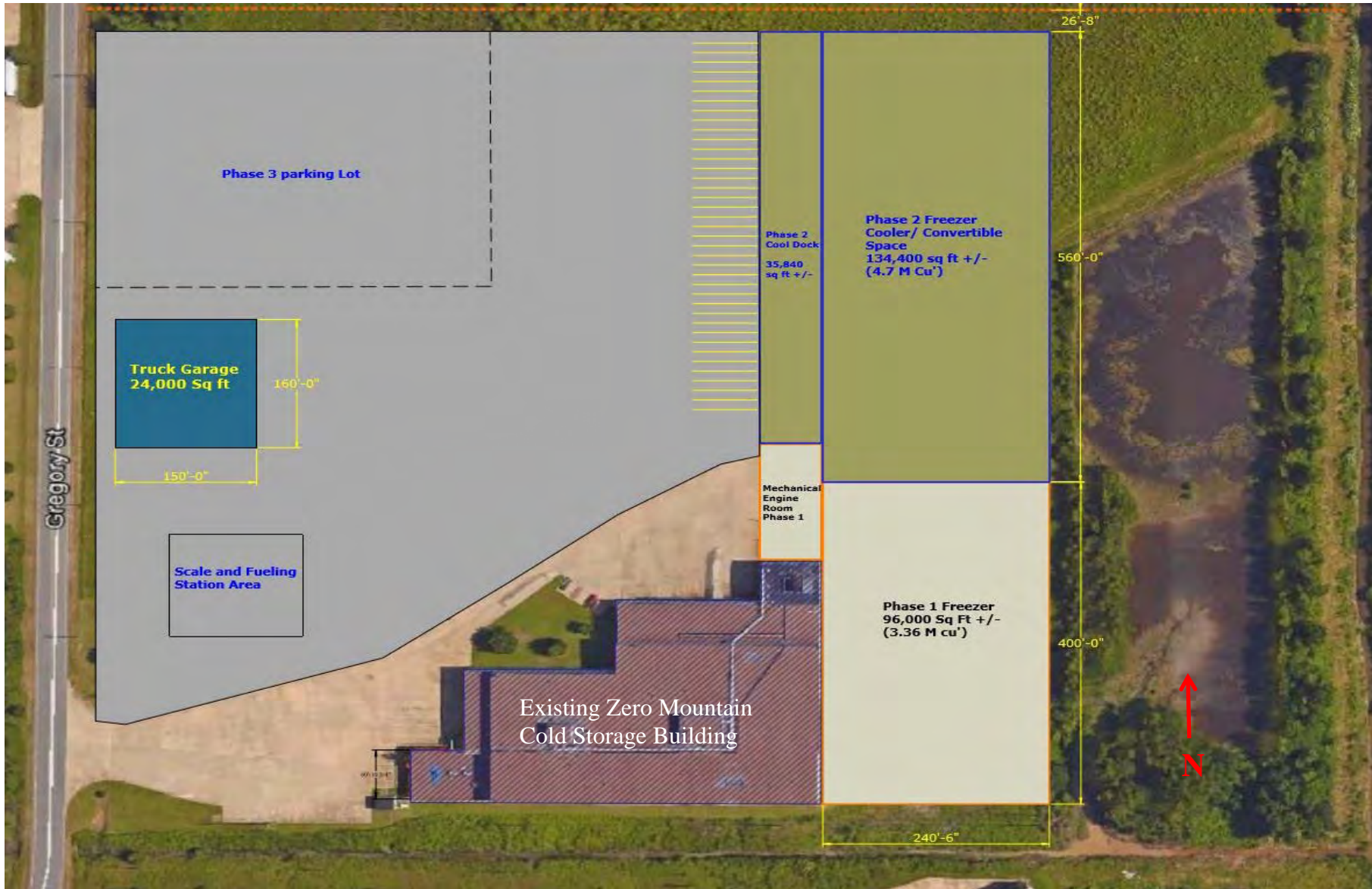
North: **3847756** East: **569062**



VICINITY MAP

0 500 1,000 2,000 Feet

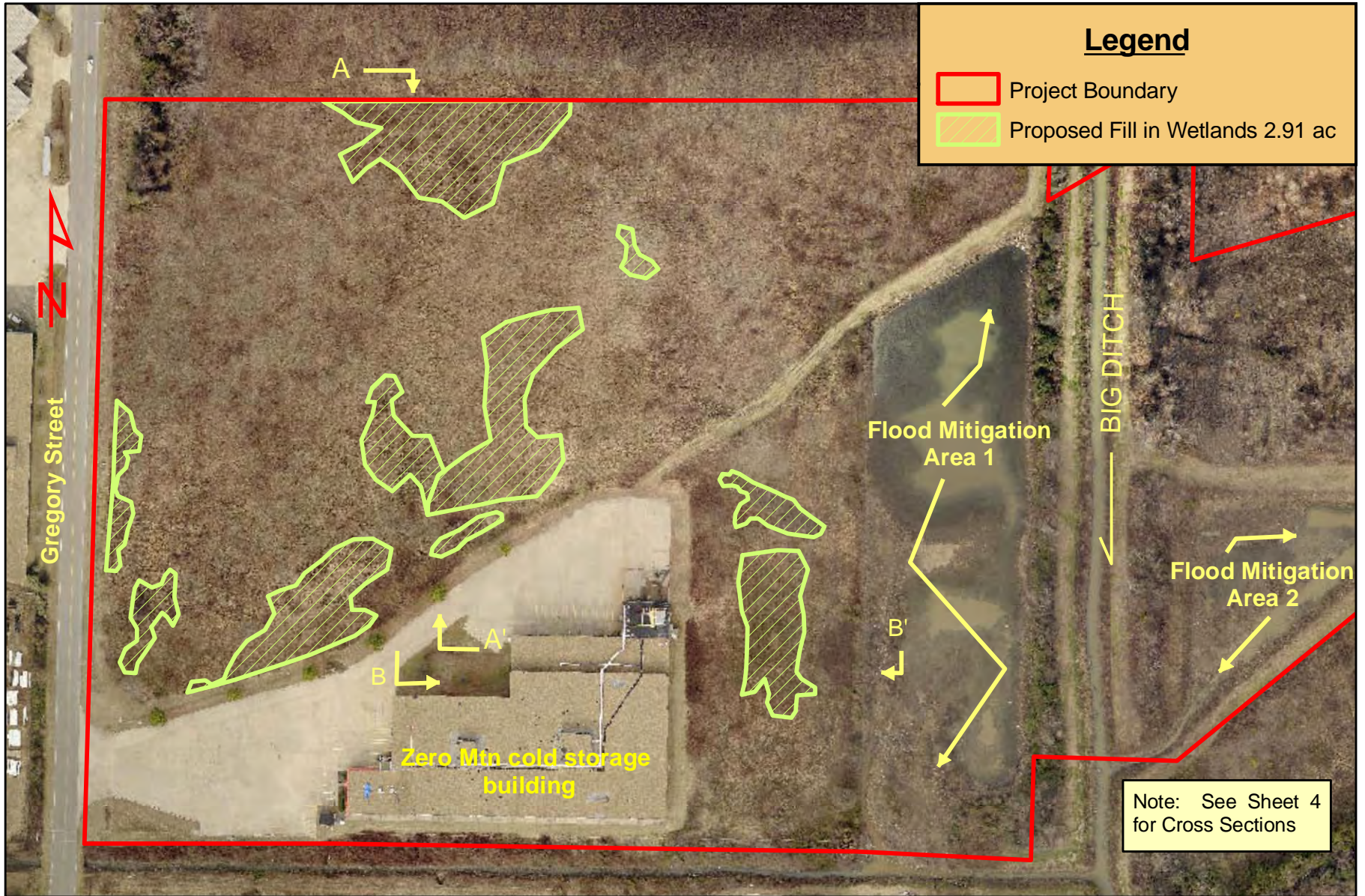
ACTION ID NO. SWL-2017-00281
 Zero Mountain, Inc.
 Cold Storage Expansion
 Section 25, T. 2 N., R. 12 W.
 North Little Rock, Pulaski County, Arkansas
 January 2018 Sheet 1 of 9



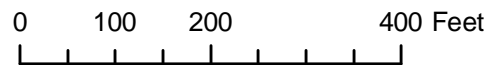
DETAILED SITE PLAN

Not to Scale

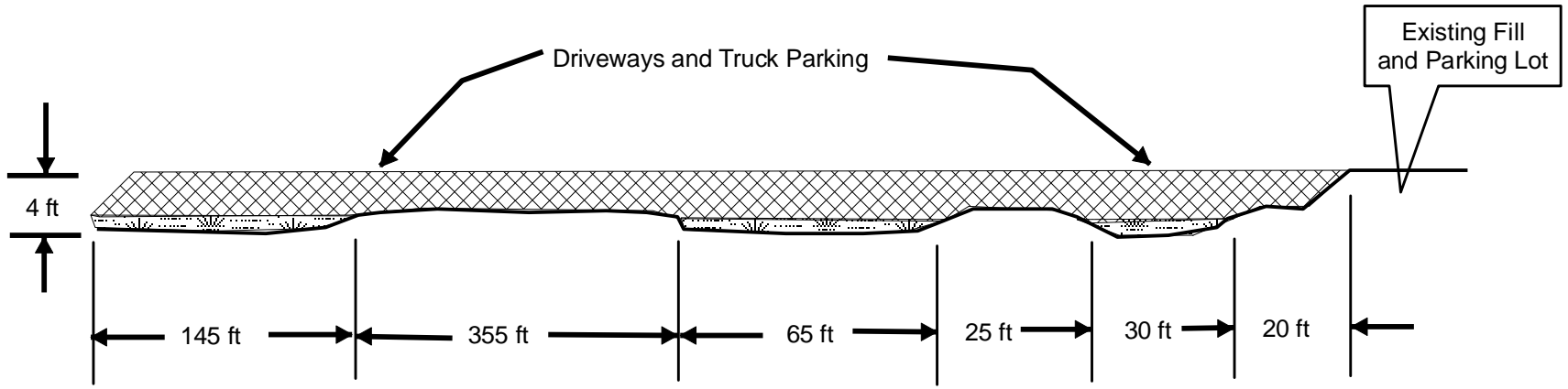
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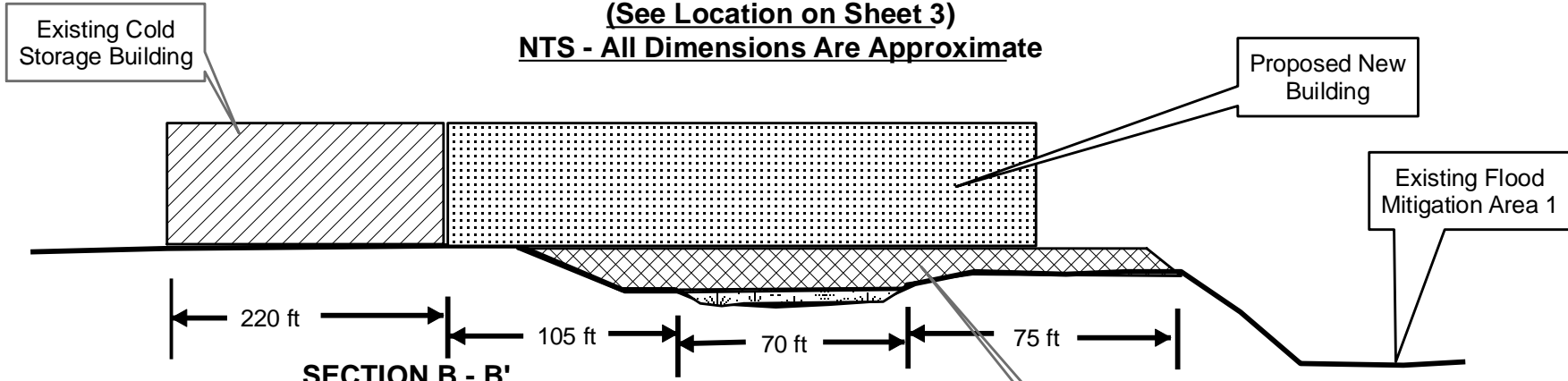
PROPOSED FILL PLAN FOR PLANT EXPANSION
2015 AERIAL



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

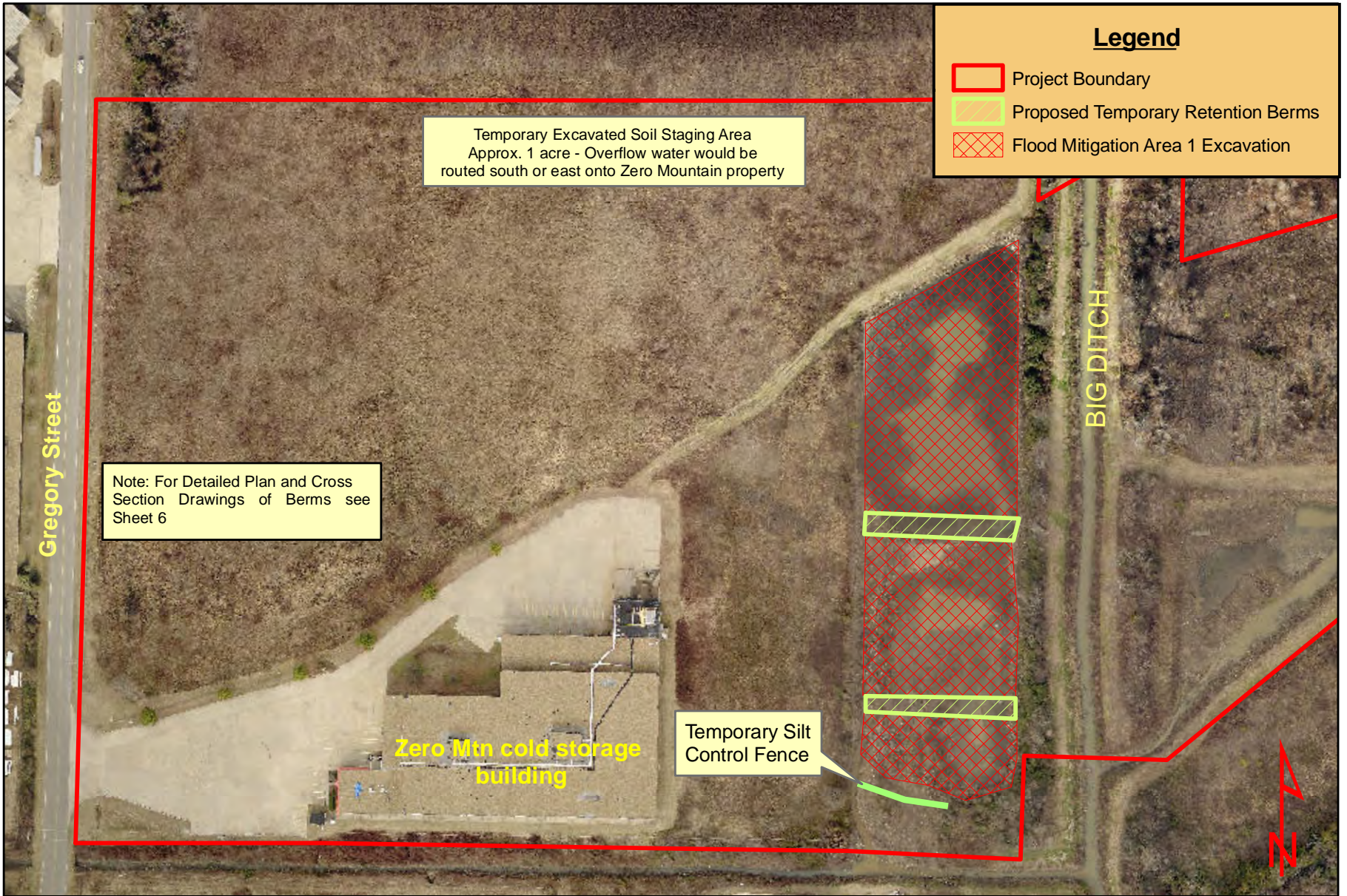


SECTION B - B'
 (See Location on Sheet 3)
 NTS - All Dimensions Are Approximate

Proposed Fill approx. 4 ft thick

-  Filled Areas with Parking and Building
 (Area filled to approximately the level of existing pad)
-  Depressional Wetlands to be Filled - 2 to 4 inches
 lower than adjacent uplands

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Legend

- Project Boundary
- Proposed Temporary Retention Berms
- Flood Mitigation Area 1 Excavation

Temporary Excavated Soil Staging Area
 Approx. 1 acre - Overflow water would be
 routed south or east onto Zero Mountain property

Note: For Detailed Plan and Cross
 Section Drawings of Berms see
 Sheet 6

Zero Mtn cold storage
 building

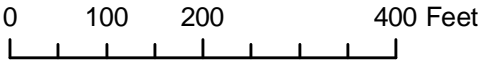
Temporary Silt
 Control Fence

BIG DITCH

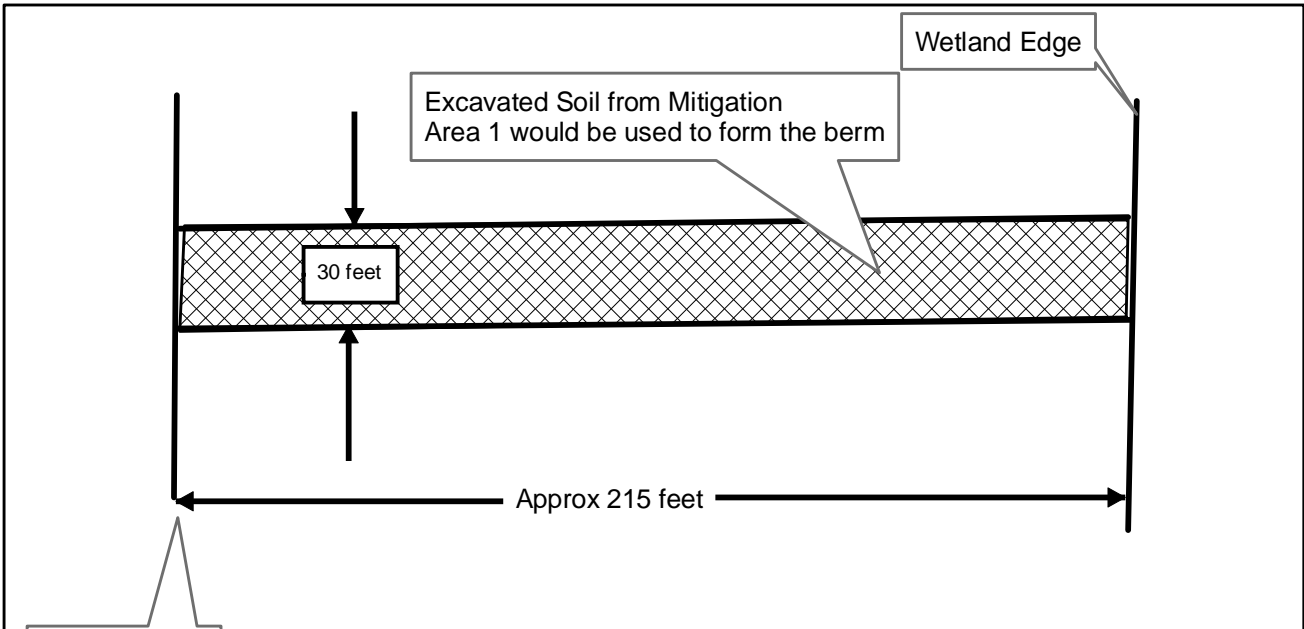
Gregory Street



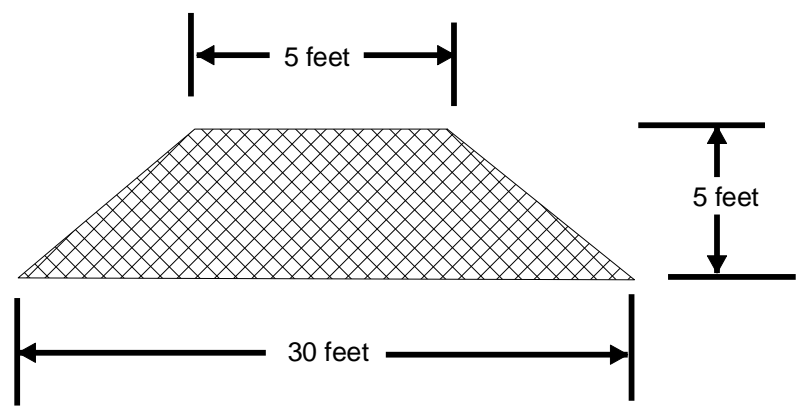
PROPOSED TEMPORARY FILL PLAN
Flood Mitigation Area 1
2015 AERIAL



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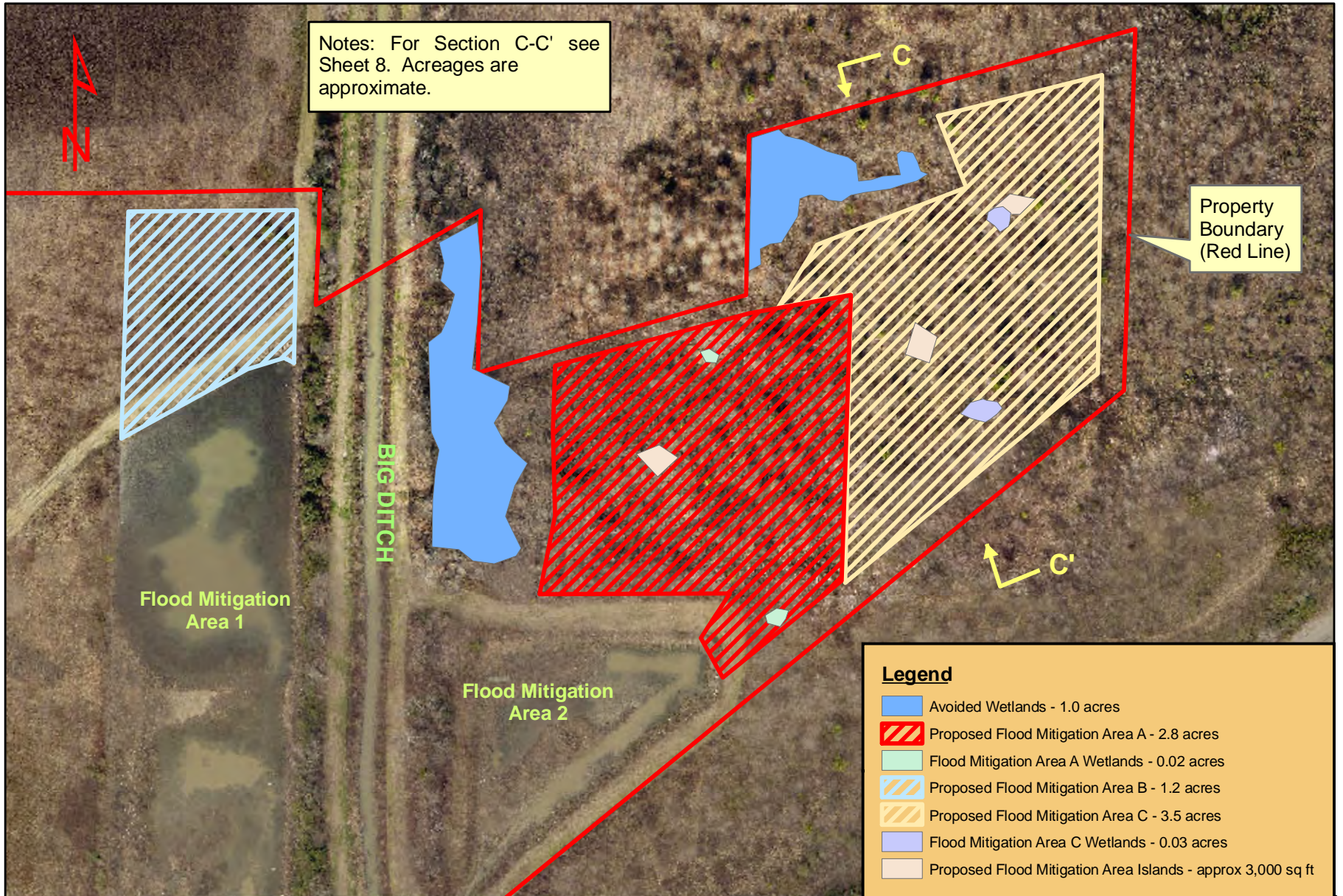


Typical Plan - Temporary Retention Berm
Not to Scale



Typical Cross-Section - Temporary Retention Berm
Not to Scale

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 Proposed Flood Mitigation Area Berms
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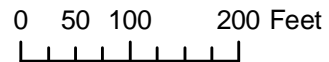
Notes: For Section C-C' see Sheet 8. Acreages are approximate.

Property Boundary (Red Line)

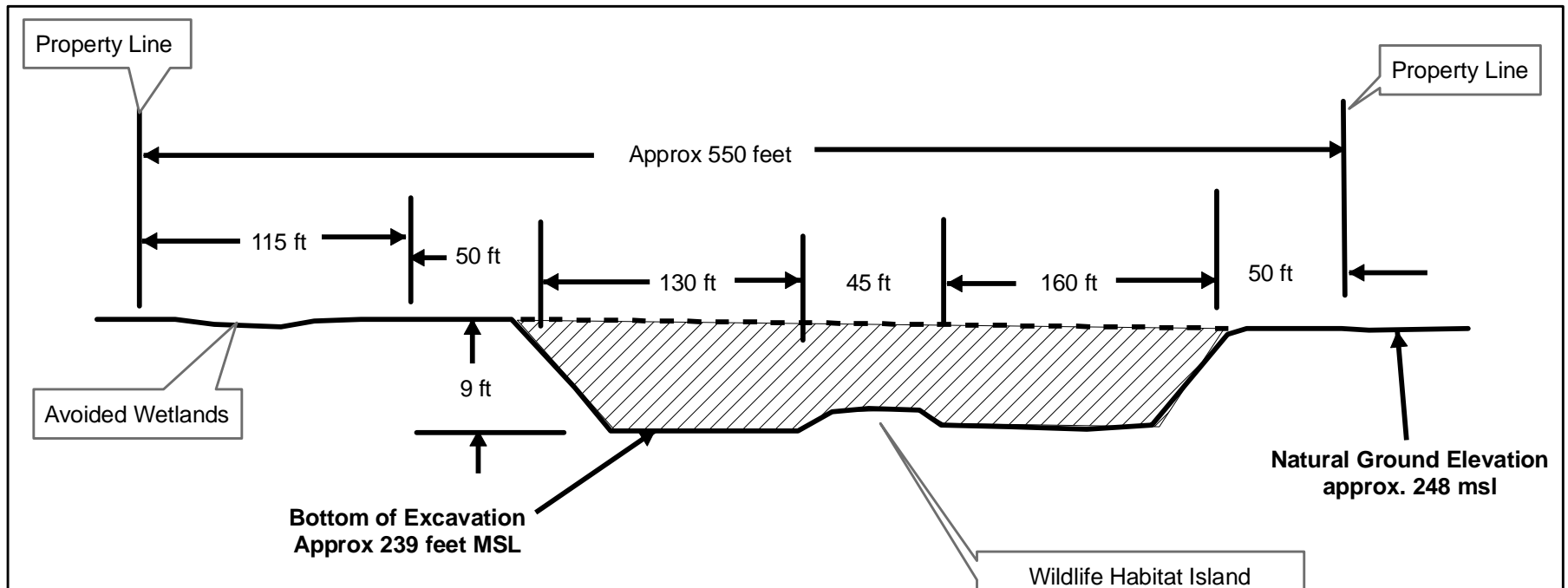
Legend

- Avoided Wetlands - 1.0 acres
- Proposed Flood Mitigation Area A - 2.8 acres
- Flood Mitigation Area A Wetlands - 0.02 acres
- Proposed Flood Mitigation Area B - 1.2 acres
- Proposed Flood Mitigation Area C - 3.5 acres
- Flood Mitigation Area C Wetlands - 0.03 acres
- Proposed Flood Mitigation Area Islands - approx 3,000 sq ft

FLOOD MITIGATION AREAS-Proposed Wildlife Habitat Islands AND Avoided Wetlands
2015 AERIAL

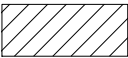


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Note: Site Dimensions Approximate and Subject to Final Engineer Drawings

**Typical Cross Section C-C'
(Flood Mitigation Area A)
Not to Scale**

 Area to be Excavated for flood mitigation

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WETLAND DELINEATION, IMPACT AND CREATION TABLE

<u>AREA</u>	<u>DELINEATED WETLANDS (acres)</u>	<u>PROPOSED WETLAND FILL (acres)</u>	<u>PROPOSED WETLAND EXCAVATION (acres)</u>	<u>PROPOSED WETLAND AND OPEN WATER CREATION (acres)</u>
Cold Storage and Related Facilities	2.91	2.91	0	0
Flood Mitigation Area 1 (See Note 2)	3.9	0.3 (temporary retention berms)	3.5	0
Flood Mitigation Area 2 (see Note 2)	1.5	0	1.5	0
Flood Mitigation Area A (see Note 3)	0.02	0	0.02	2.5
Flood Mitigation Area B (see Note 3)	0	0	0	1.0
Flood Mitigation Area C (see Note 3)	0.03	0	0.03	3.0
Wetlands Avoided within property Boundary	1.0	N/A	N/A	N/A
TOTALS	9.36	3.21	5.05	6.5

Note 1: This table shows the proposed project impacts even though some of the proposed work may not require a Section 404 permit. Acreage is approximate.

Note 2: The proposed wetland excavation for Flood Mitigation Area 1 and 2 was previously authorized by a City of North Little Rock Floodplain Permit. The excavation of additional material from these areas is necessary to be in compliance with the floodplain permit. Because of the initial excavation of uplands, these areas have developed into wetlands and open water habitat. The additional excavation of these areas is not expected to significantly change the designation of these areas.

Note 3: It should be noted that the wetland and open water acreages differ from the acreage found on application drawings for the flood mitigation areas. This difference is because the flood mitigation areas would have steep slopes that are not expected to be wetland or open water habitat, and accordingly, the acreage of these slopes have been deducted from the overall acreage to give a more accurate indication of number of acres of wetlands and open water habitat that would be created.