



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2016-00270-1

Date: October 31, 2023

Comments Due: November 27, 2023

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, Cynthia Blansett, telephone number: (501) 340-1370, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Cynthia.W.Blansett@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. Joe O'Leary
Buc-ee's Russellville, LLC
327 FM 2004
Lake Jackson, Texas 77566**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with construction of a travel center. The proposed site consists of a store, fuel pumps, parking lots, interior travelways/roadways, stormwater detention basins and related ancillary features. The project will also include construction of a frontage road along the north side of I-40 and relocating the existing entrance ramp from its current location to the west. The proposed project is located in streams, open waters, and wetlands associated with Prairie Creek, in the SE ¼ of section 34, T. 8 N., R. 20 W., Russellville, Pope County, Arkansas.

The project purpose is to construct a commercial development. The overall purpose of the project is to meet the demand for a commercial development to service the City of Russellville and surrounding areas. The project is not water dependent.

To accomplish the project, clearing of existing vegetation, grading, filling and relocation of existing stream channels is required. Trees found within the project area will be removed and burned or hauled off-site for disposal. The site will be graded and 0.99 acres of wetlands, 4.49 acres of open waters, and 1,469 linear feet of intermittent streams will be permanently filled. Approximately 74-cubic yards of clean fill will be placed in the streams and wetlands. Typical best management practices such as silt fencing and other construction methods will be used to mitigate impacts to water quality and other resources.

The applicant has investigated other alternative project sites in proximity of the proposed site. The applicant stated that the other sites would not allow for complete development, were not available, or were cost prohibitive due to land cost.

In July 2017, Roosa Corporation received a Standard Permit authorization for impacts to streams and wetlands for this property. The permit to Roosa Corporation expired in 2020. The current applicant purchased the property from Roosa Corporation. The applicant altered the layout of the previous development to reduce the permanent loss of property streams and wetlands.

The applicant states that mitigation in the form of avoidance is not practicable due to the need to provide access to the project area. Minimization is not practicable at the project site due to the location of waters of the United States (WOTUS). Design layouts to minimize impacts would result in the project being cost prohibitive due to reduction in project square footage.

Compensatory mitigation requirements for impacts to the streams, open waters and wetlands will be assessed utilizing the 2011 Little Rock District Stream Method and the 2002 Charleston Method. The applicant proposes to mitigate for unavoidable impacts by purchasing credits from a Corps approved mitigation bank that services the area.

The location and general plan for the proposed work are shown on the enclosed sheets (Sheets 1 - 9 of 9).

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. The applicant submitted a certification request to the Water Quality Planning Branch of the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority) with copy to the Corps on September 11, 2023. In accordance with Certification Rule Part 121.6, the Corps has determined the reasonable period of time for the certifying agency to act upon the certification request is 60 days. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

Cultural Resources. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. 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 27, 2023**. 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

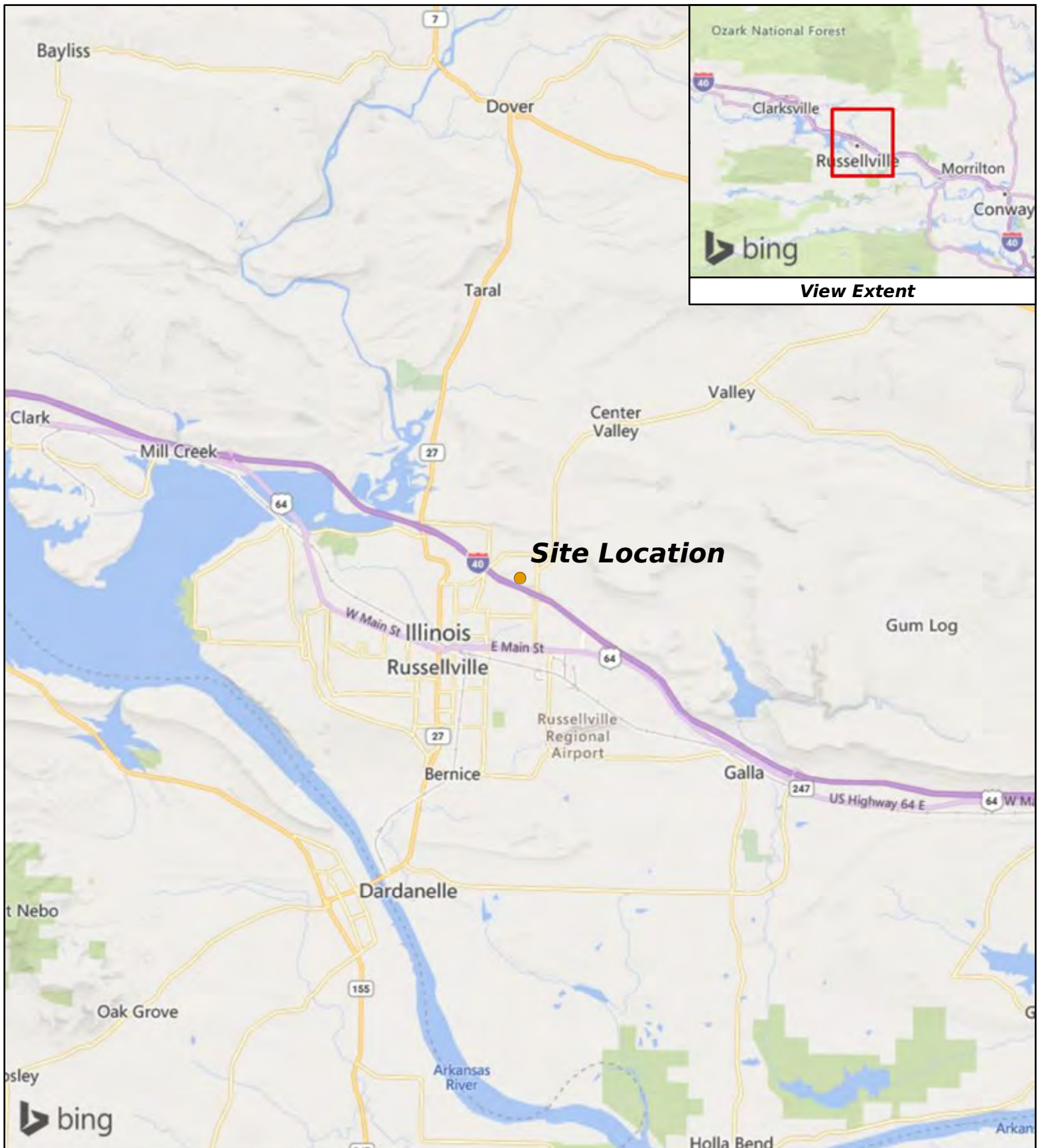
Approximate Coordinates of Project Center

Latitude: **35.294564**

Longitude: **-93.111005**

UTM Zone: **15N** North: **3905715**

East: **489907**



Kimley-Horn Buc-ee's

2

Miles

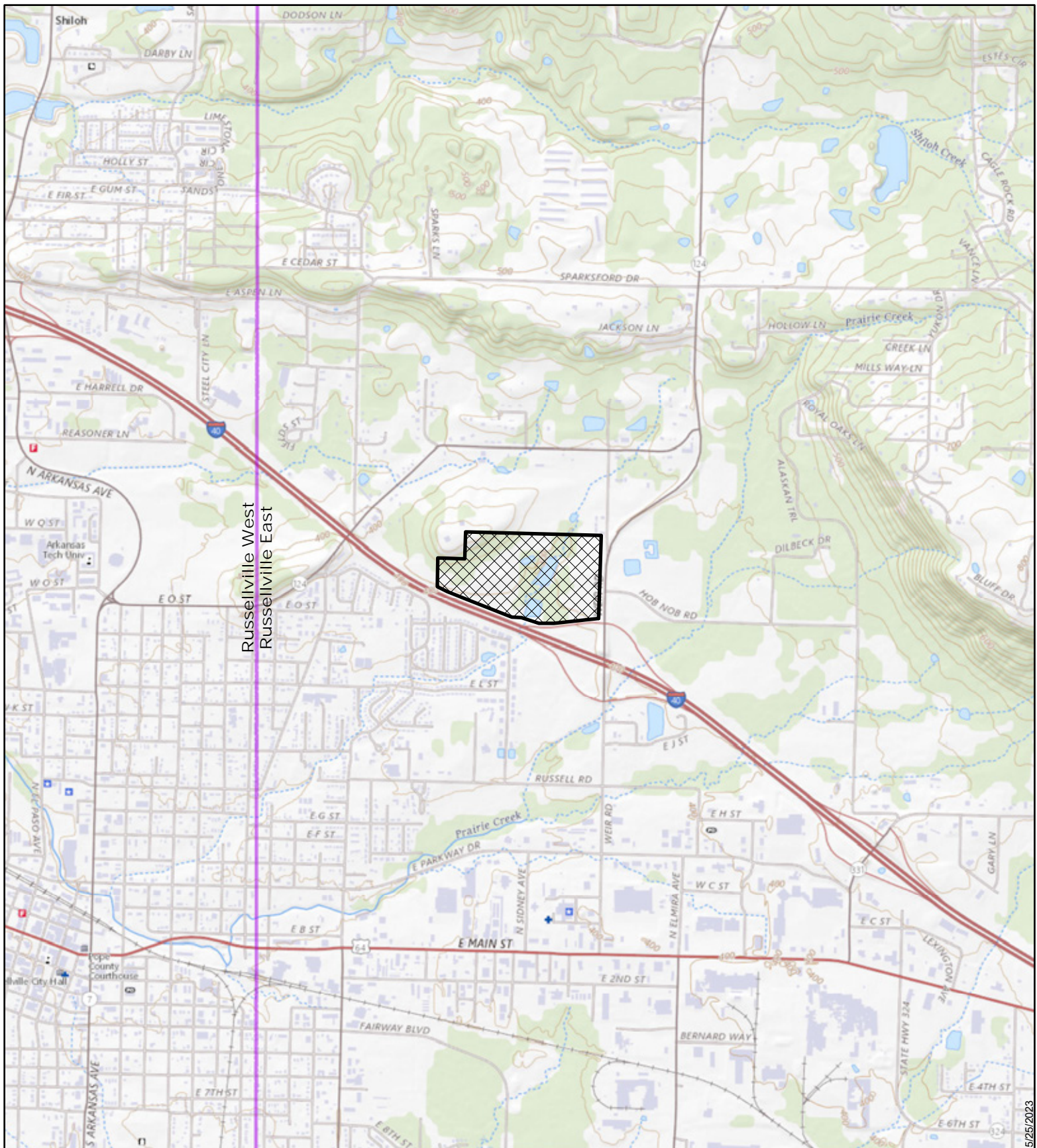
● Site Location

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Background: Mic

SWL-2016-00270-1
Buc-ee's Russellville, LLC
Commercial Development
Section 34, T. 8 N., R. 20 W.
October 2023 Sheet 1 of 9

Figure 1. Vicinity Map.



Kimley-Horn Buc-ee's

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Feet

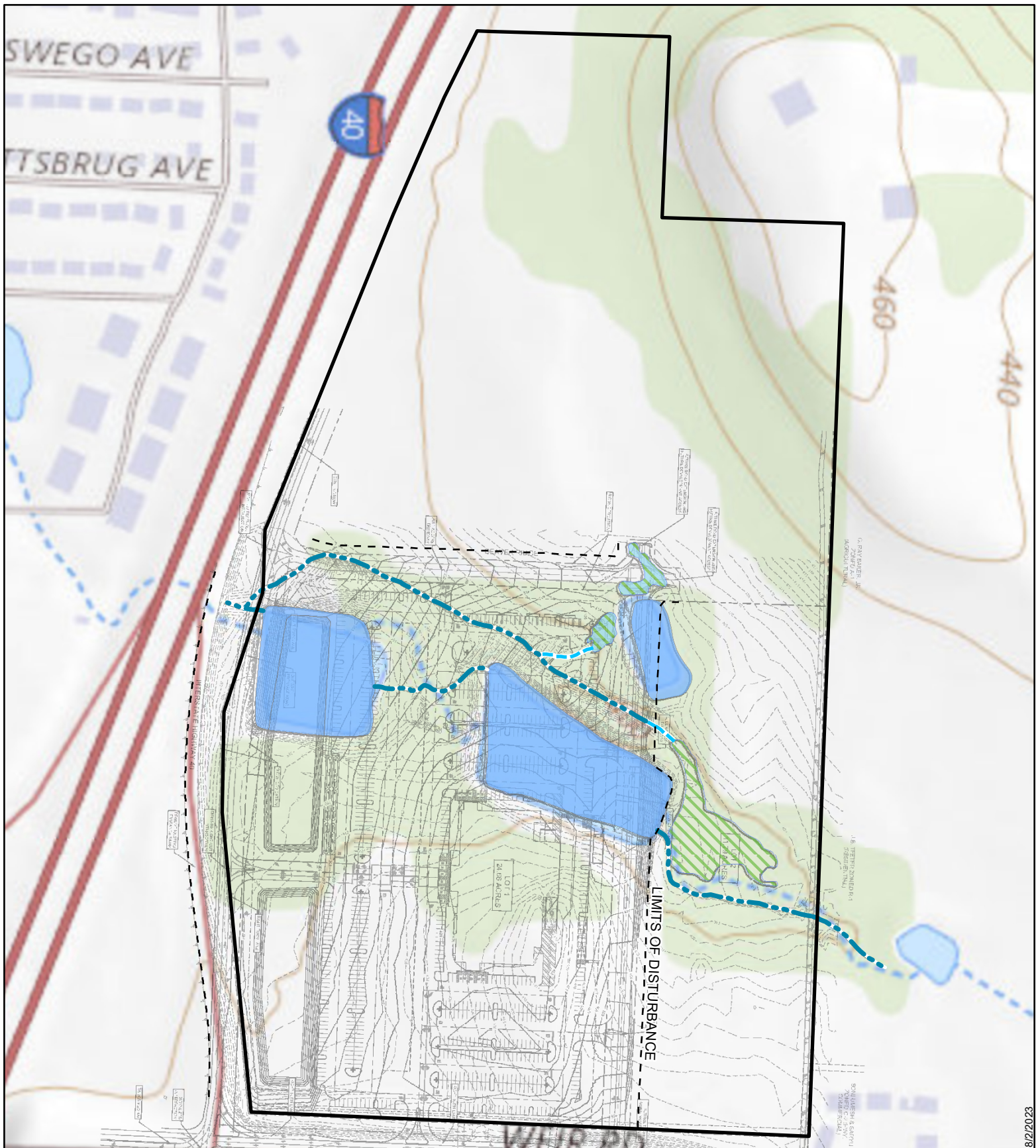


Project Area

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Commercial Development
Section 34, T. 8 N., R. 20 W.
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Figure 2. Map showing overview of project area overlaid on the USGS *The National Map* Topo basemap for quadrangles Russellville East and Russellville West, AR (7.5-minute series).



Buc-ee's - Russellville Travel Center

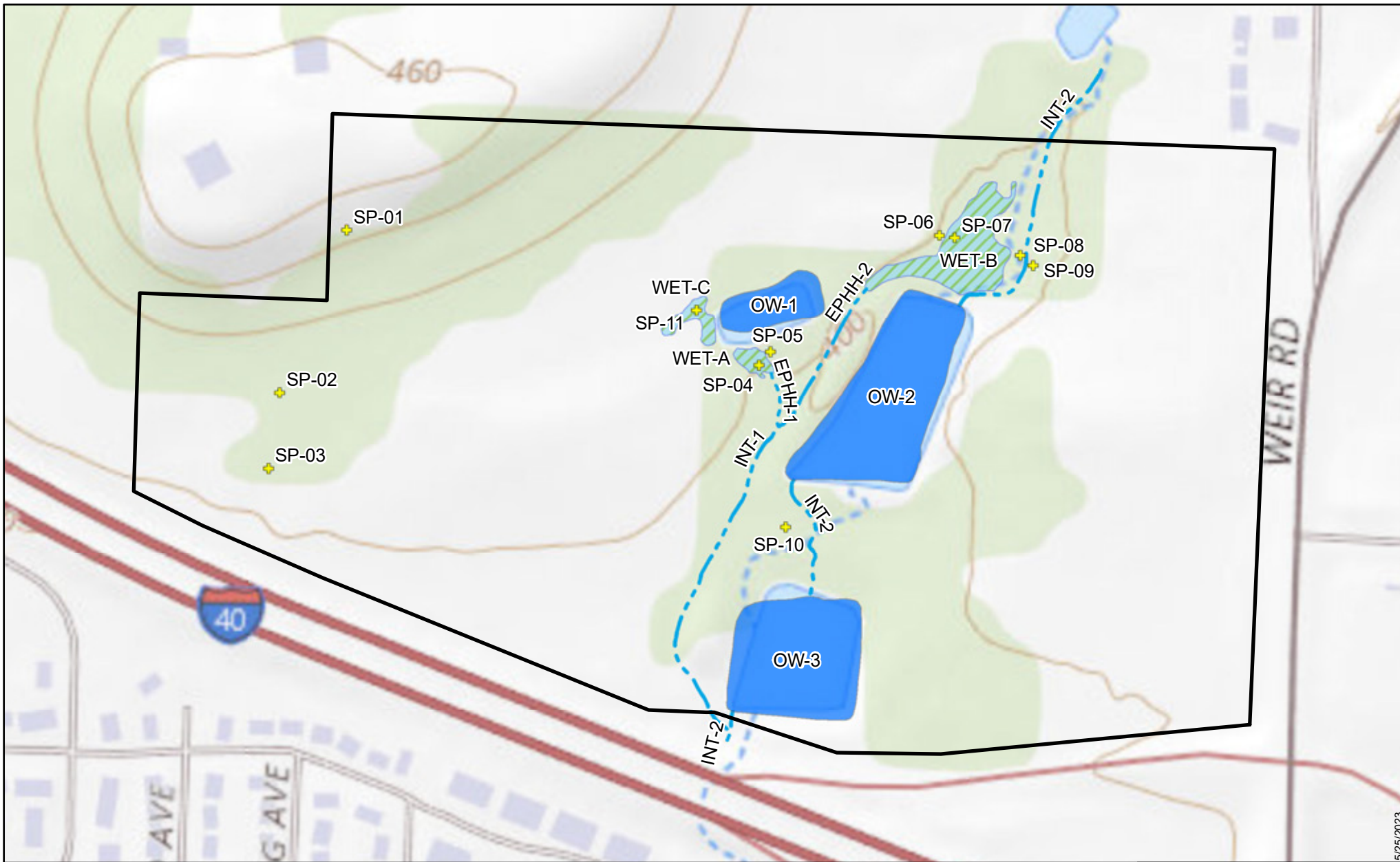
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- Project Area
- ~~~~~ Ephemeral Channel
- ~~~~~ Intermittent Channel
- Open Waters
- ~~~~~ Limits of Disturbance
- Impacted Wetlands
- Unimpacted Wetlands

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Commercial Development
Section 34, T. 8 N., R. 20 W.
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Figure 3. Map showing project plans overlaid on the USGS *The National Map* Topo basemap for quadrangle Russellville East, AR (7.5-minute series).



Kimley-Horn Buc-ee's

300

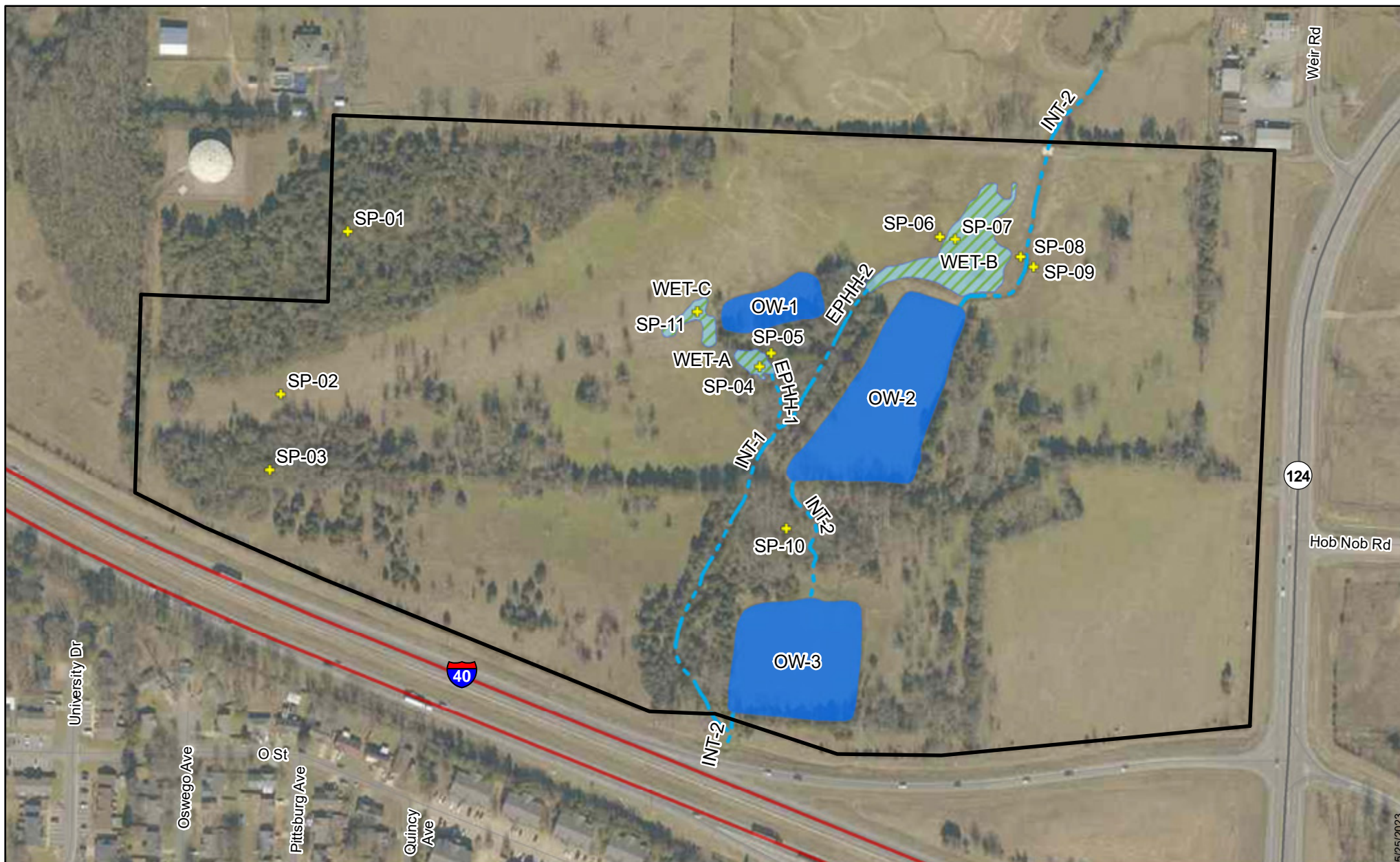
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- Project Area
- Open Waters
- Project Wetlands
- + Sample Points
- Ephemeral Channels with OHWM
- Intermittent Channels

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Section 34, T. 8 N., R. 20 W.
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Figure 3. Map showing project area details overlaid on the USGS *The National Map* Topo basemap for quadrangle Russellville East, AR (7.5-minute series).



Kimley-Horn Buc-ee's

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Feet

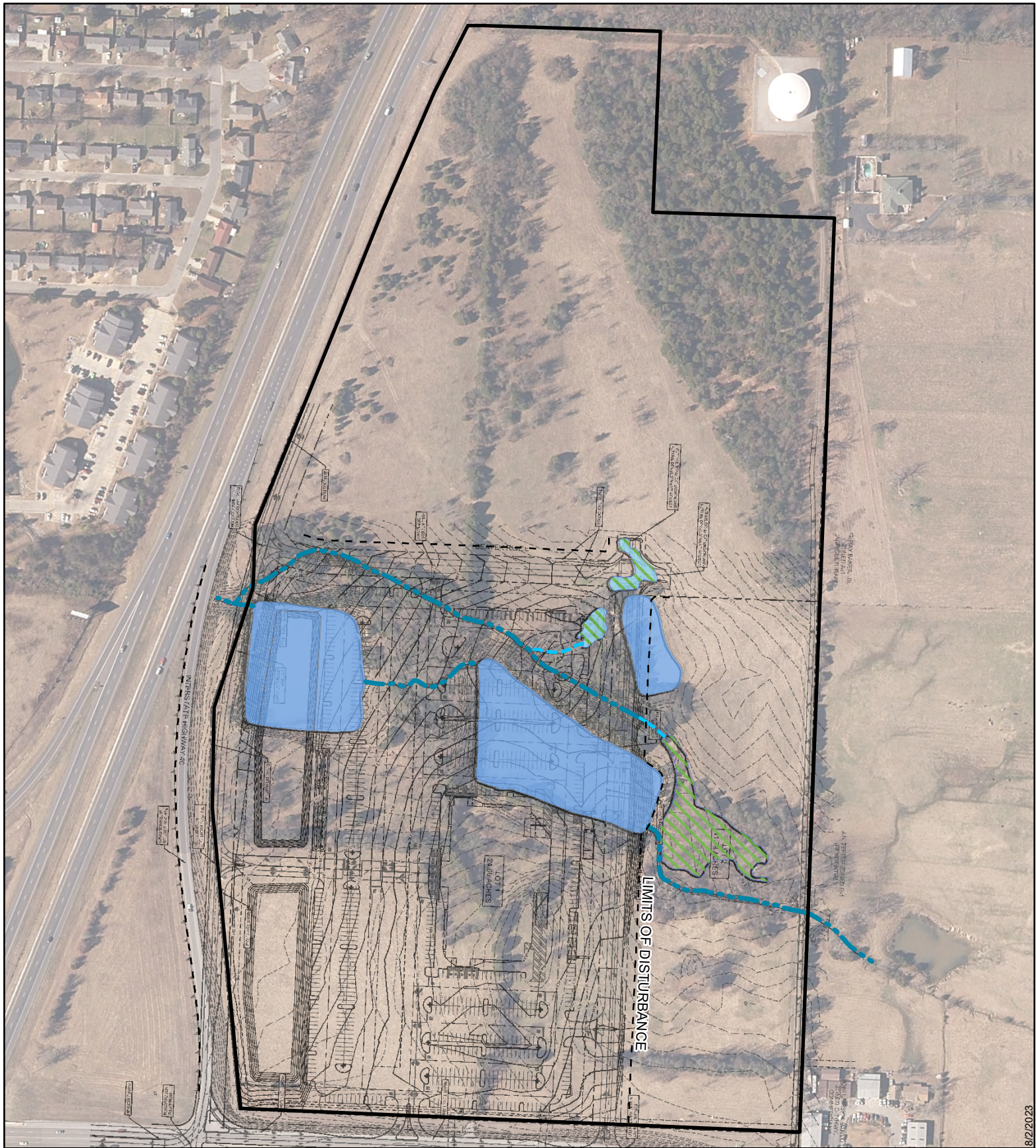
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- Project Area
- Open Waters
- Project Wetlands
- Sample Points
- Ephemeral Channels with OHWM
- Intermittent Channels

Background: A

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Commercial Development
Section 34, T. 8 N., R. 20 W.
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Figure 4. Map showing project area details overlaid on 2022 Pope County aerial imagery.



Buc-ee's - Russellville Travel Center

250
Feet

Project Area
Limits of Disturbance

Ephemeral Channel
Intermittent Channel
Open Waters

Impacted Wetlands
Unimpacted Wetlands

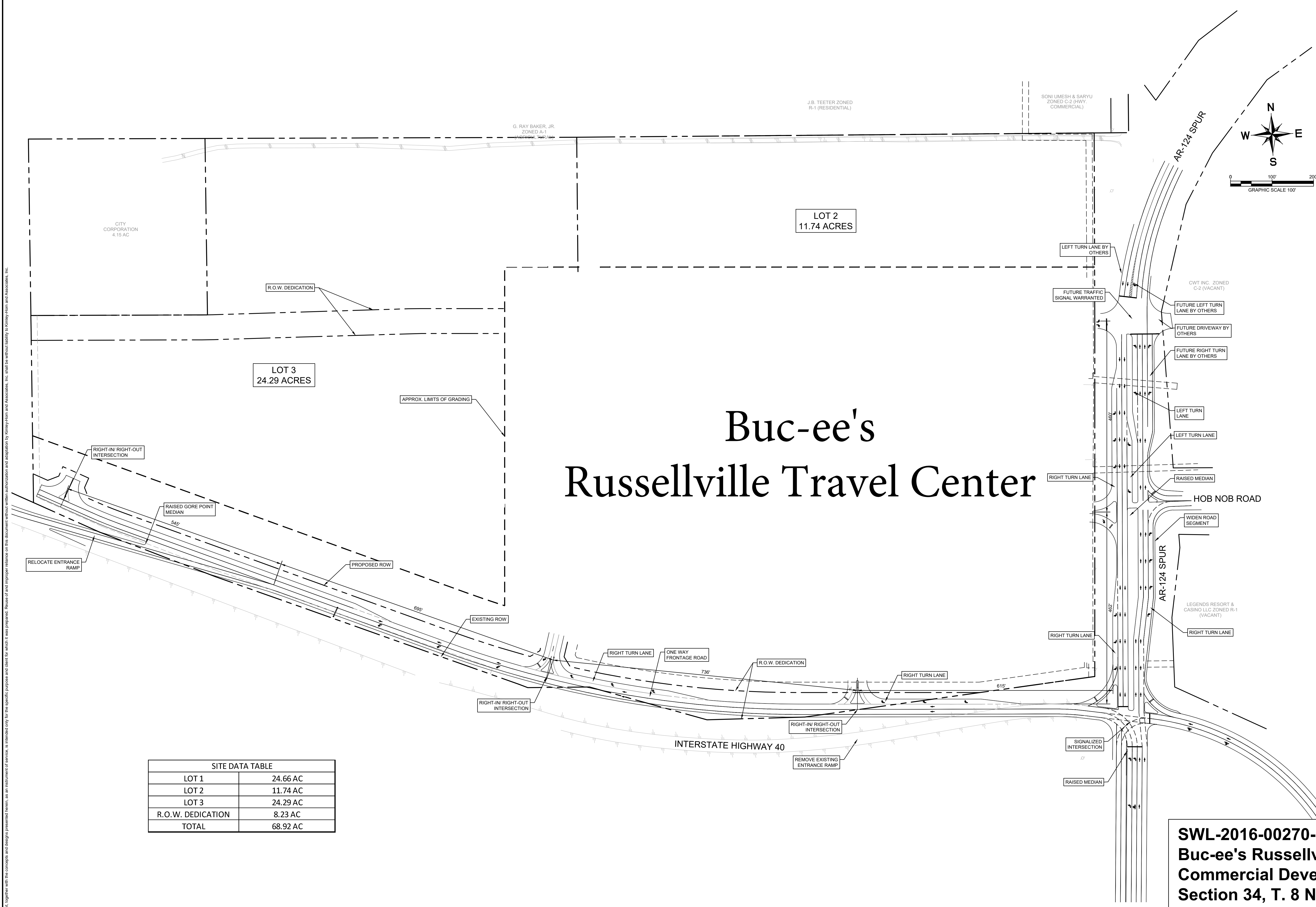
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Buc-ee's Russellville, LLC
Commercial Development
Section 34, T. 8 N., R. 20 W.
October 2023 Sheet 6 of 9

Figure 4. Map showing project plans overlaid on 2017 aerial imagery.

IMAGES
XREFS
LAST SAVE
PLOTTER
DWG PA
DWG NA

This document, together with the concepts and designs presented herein, as



SITE DATA TABLE	
LOT 1	24.66 AC
LOT 2	11.74 AC
LOT 3	24.29 AC
R.O.W. DEDICATION	8.23 AC
TOTAL	68.92 AC

Buc-ee's Russellville Travel Center

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MILEY-HORN AND ASSOCIATES, INC.
CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-617-0535

KHA PROJECT 068570002	DATE 05/19/2023	SCALE AS SHOWN	DESIGNED BY RAC	DRAWN BY RAC	CHECKED BY RCL
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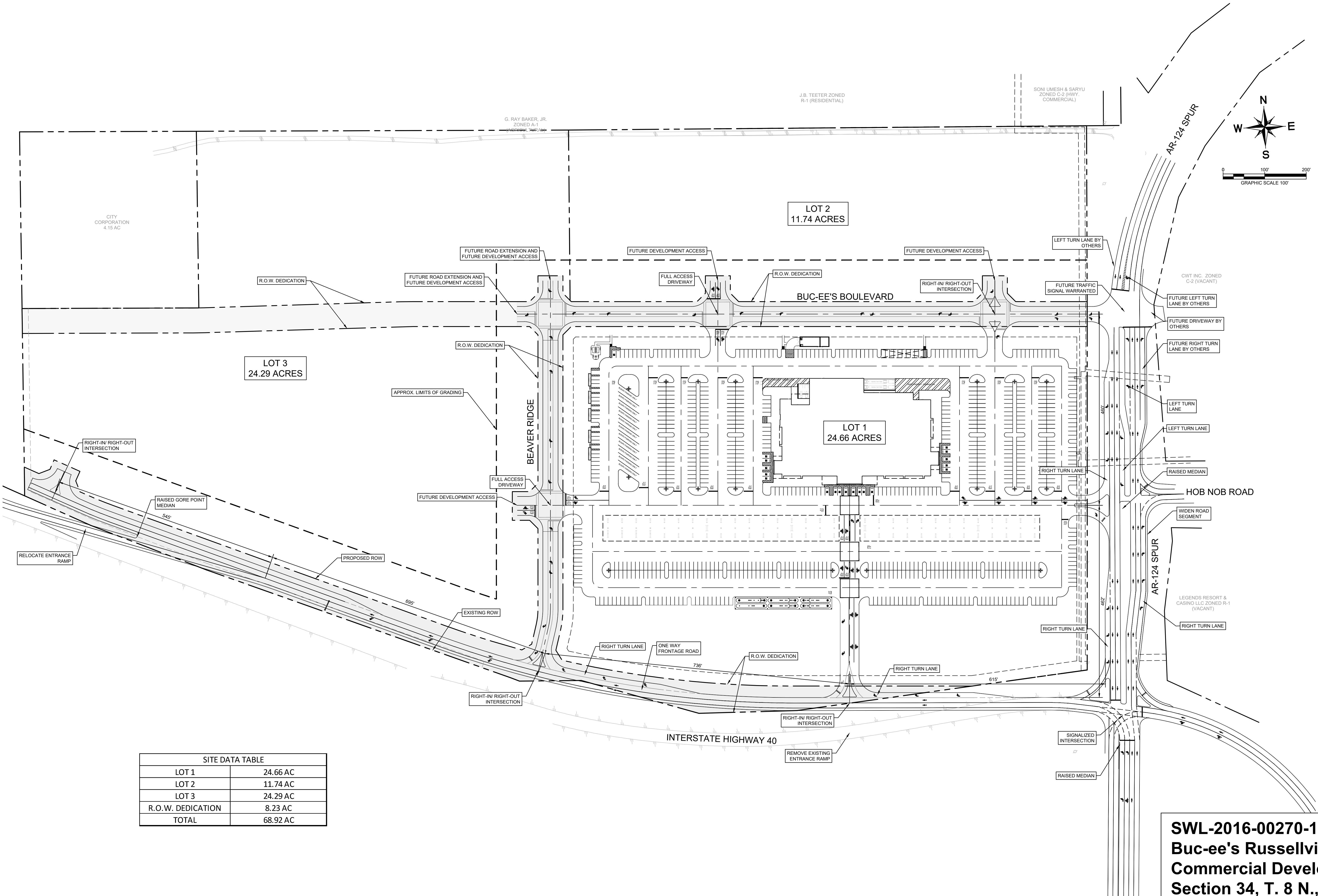
RUSSELLVILLE TRAVEL CENTER
POPE COUNTY, ARKANSAS

AN EXHIBIT

SWL-2016-00270-1
Buc-ee's Russellville, LLC
Commercial Development
Section 34, T. 8 N., R. 20 W.
October 2023 Sheet 7 of 9

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DWG PATH
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Commercial Development
Section 34, T. 8 N., R. 20 W.
October 2023 Sheet 8 of 9

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WWW.KIMLEY-HORN.COM TX F-928

RUSSELLVILLE TRAVEL CENTER
POPE COUNTY, ARKANSAS

AN EXHIBIT

KHA PROJECT
068570002

DATE
05/19/2023

SCALE
AS SHOWN

DESIGNED BY
RAC

DRAWN BY
RAC

CHECKED BY
RCL

REVISIONS

No.

BY

DATE

