



US Army Corps  
of Engineers®  
Little Rock District

# PUBLIC NOTICE

*CORPS OF ENGINEERS*

**Application Number: SWL 2019-00295-2**

**Date: December 16, 2022**

**Comments Due: January 10, 2023**

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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, Gerald Dickson, telephone number: (501) 340-1372, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [Gerald.W.Dickson@usace.army.mil](mailto:Gerald.W.Dickson@usace.army.mil)

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

**The Honorable Barry Hyde  
Pulaski County Judge  
201 South Broadway, Suite 401  
Little Rock, Arkansas 72201**

has requested authorization for the placement of dredged and fill material in waters of the United States (WOTUS) associated with the construction of 7,500 linear feet of a north-south railroad spur at the Little Rock Port that would serve as the primary rail service for the south port area. The north end of the railroad spur will tie to the existing Little Rock Port network and extend south to Thibault Road. The southern terminus at Thibault Road will allow for the rail spur to be extended further south as the port continues to acquire property. The proposed project is located in wetlands and an unnamed tributary to the Arkansas River, in sections 22 & 27, T. 1 N., R. 11 W., Little Rock, Pulaski County, Arkansas.

The project purpose is to construct a north-south railroad spur at the Little Rock Port that would serve as the primary rail service for the south port area, to include the Trex Facility, and allow for future rail expansion.

The proposed project will construct an approximately 7,500 north-south linear foot rail line. The rail construction includes the earthwork, ties, ballast, sub-ballast, rail hardware, & turnout. Approximately 0.34 acres of wetland impacts and 60 linear feet of stream impacts are expected as a result of the proposed action. The proposed project will pass through and service the Trex Facility (currently under construction) which was verified under a Nationwide Permit Number 39: Commercial and Institutional Developments, referenced as SWL 2019-00295-1, on October 7, 2022. Total overall impacts to WOTUS, combined with impacts from the previous permit, will exceed Nationwide Permit threshold acreage limits and will be evaluated under a Standard Permit.

The proposed project will be located in the Mississippi Alluvial Plain Ecoregion within the Little

Rock Port Authorities 3,500-acre industrial park in an area commonly referred to as Fourche Island. This historically rural area is under heavy commercial development. The terrain in the vicinity of the project area is dominated by open fields, forested and emergent wetlands, and wooded upland corridors.

The south terminus was shifted to the west to avoid stream impacts along the east side of the tract. To minimize wetland impacts, the width of the project footprint was reduced to the greatest extent possible. The applicant proposes to mitigate for the unavoidable impacts resulting from the proposed project with the purchase of wetland credits from a Corps approved mitigation bank that services the area. The applicant considered three other alternative builds/routes for this project and determined them to not be feasible for reasons associated with economics, safety, and greater impacts to the environment.

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

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. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. 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 Phase I Cultural Resources Survey for the northern most 0.38-mile stretch of the proposed project was completed in May 2022 by Flat Earth Archeology, LLC. 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 **January 10, 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: **34.695336°**

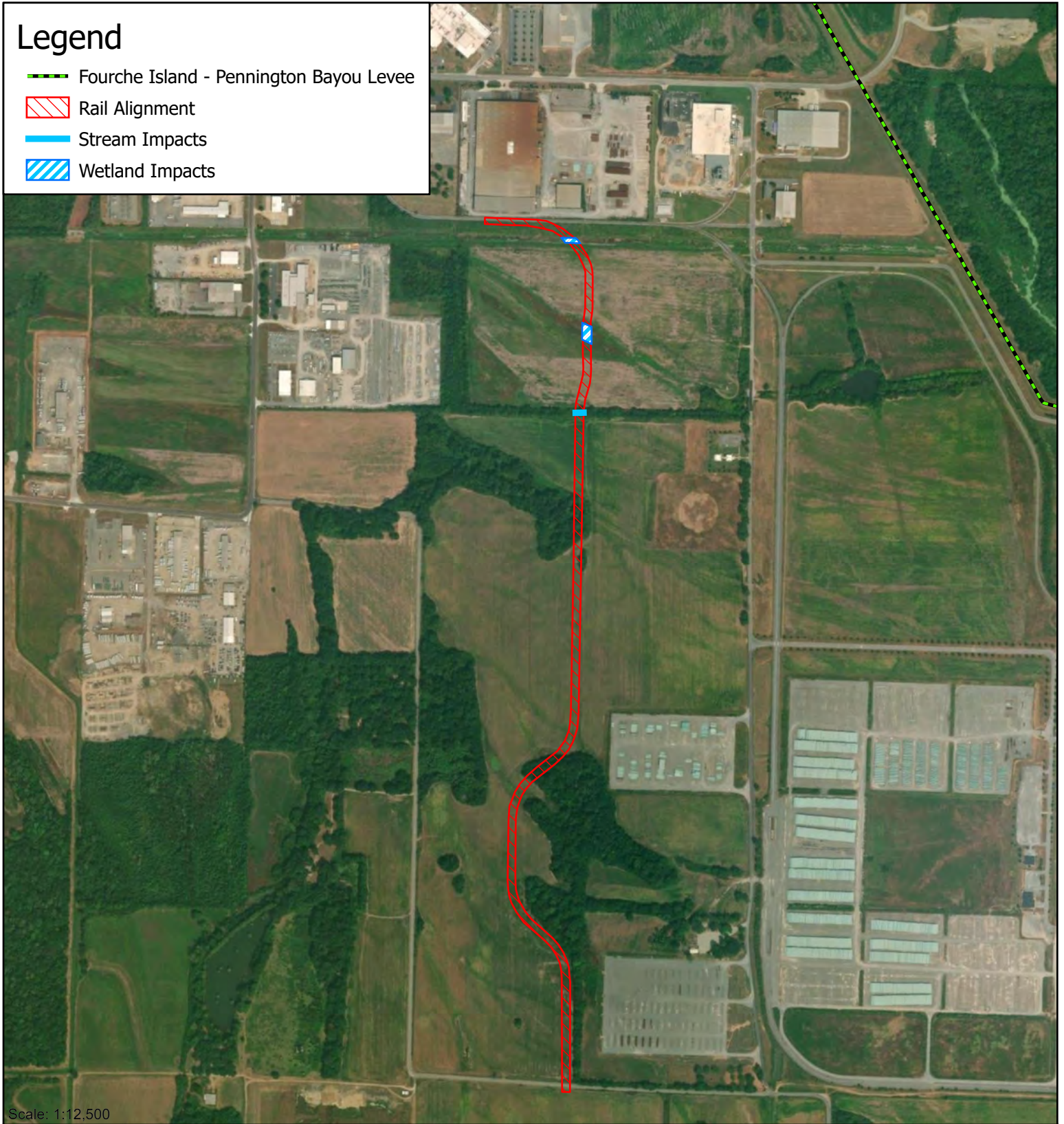
Longitude: **-92.181388°**

UTM Zone: **15N** North: **3839562.72**

East: **574976.42**

# Legend

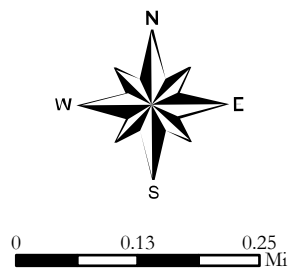
-  Fourche Island - Pennington Bayou Levee
-  Rail Alignment
-  Stream Impacts
-  Wetland Impacts



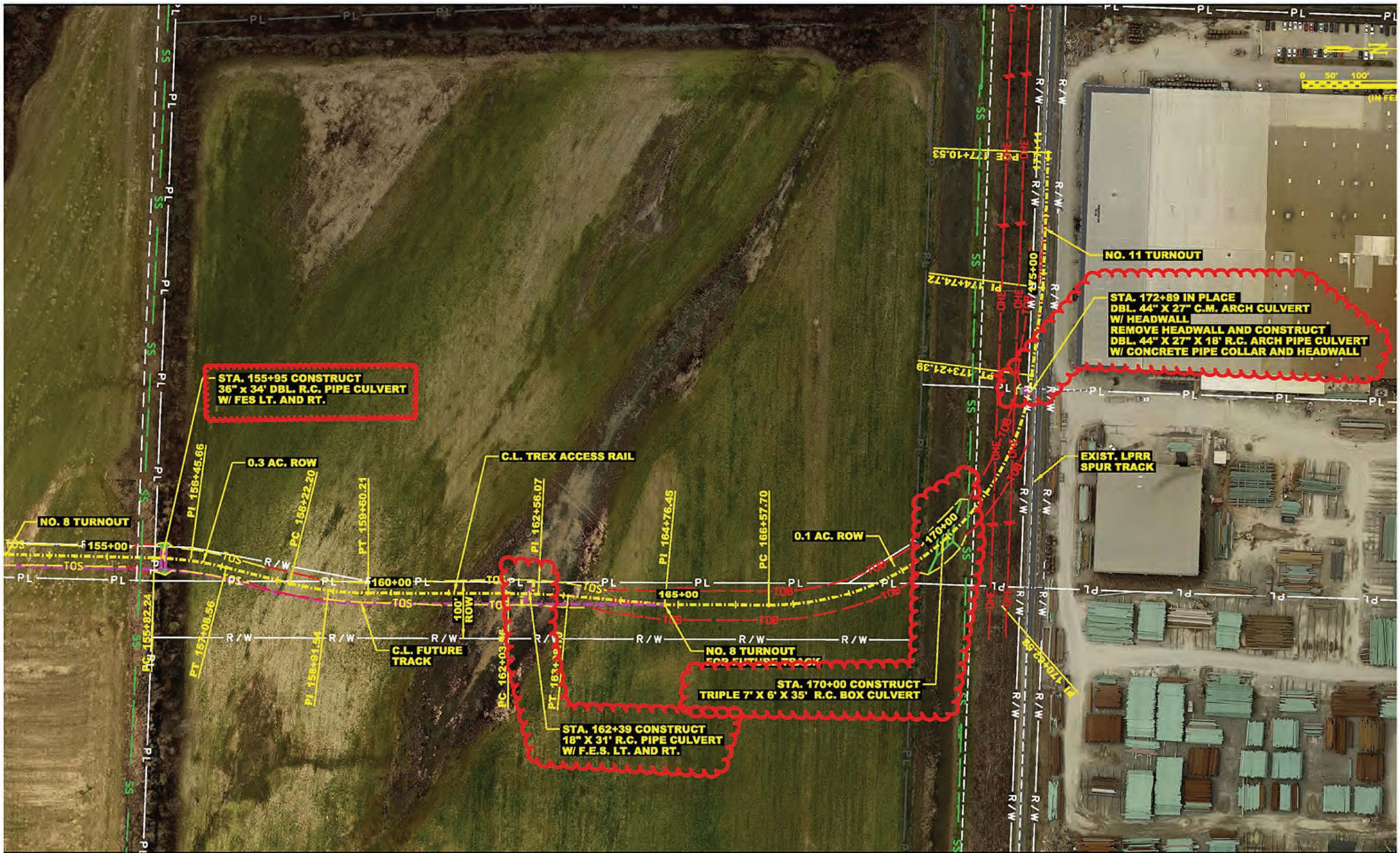
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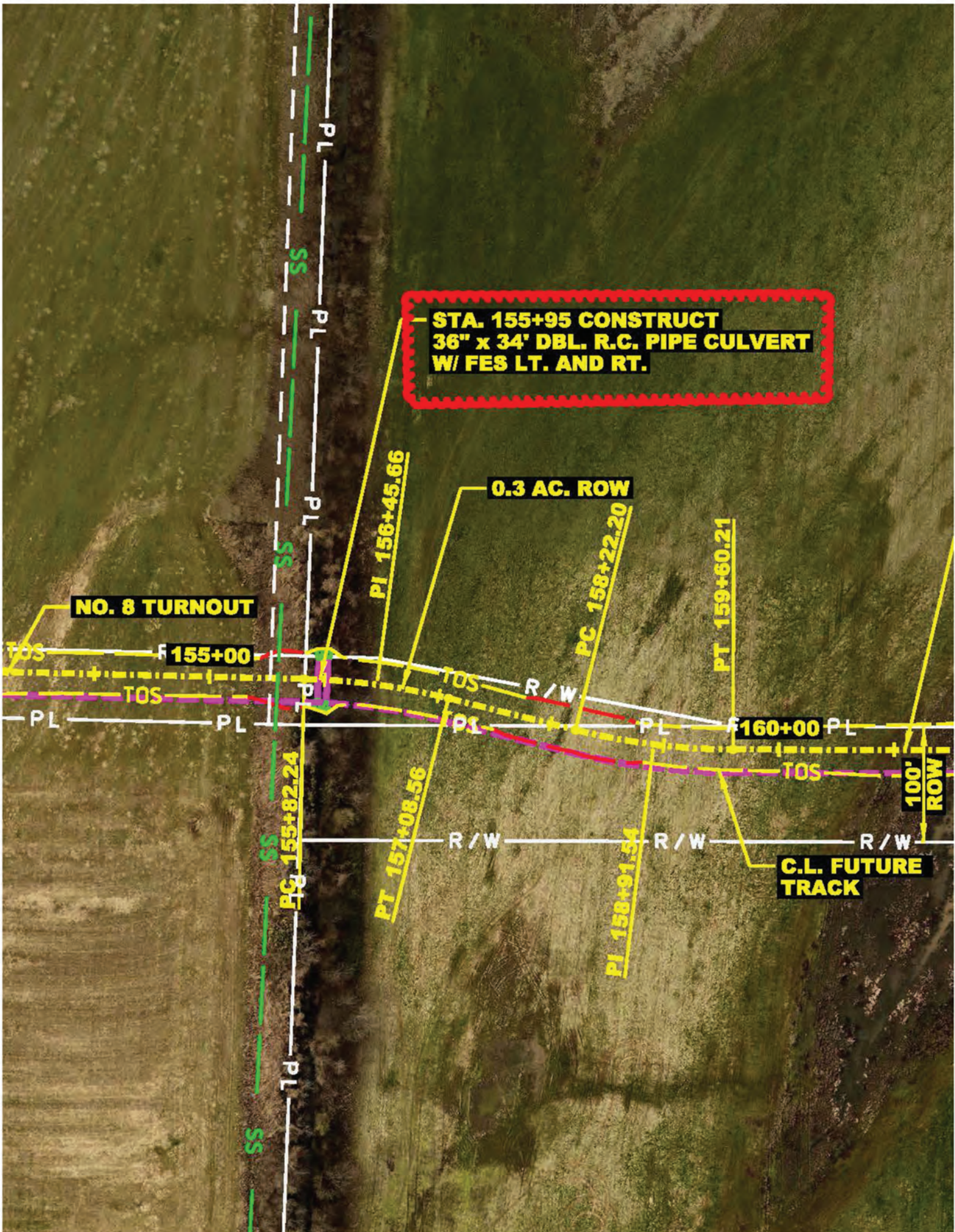


## **ACTION NO. SWL 2019-00295-2 Pulaski County Rail Spur Construction Secs 22 & 27, T. 1 N., R. 11 W. December 2022**

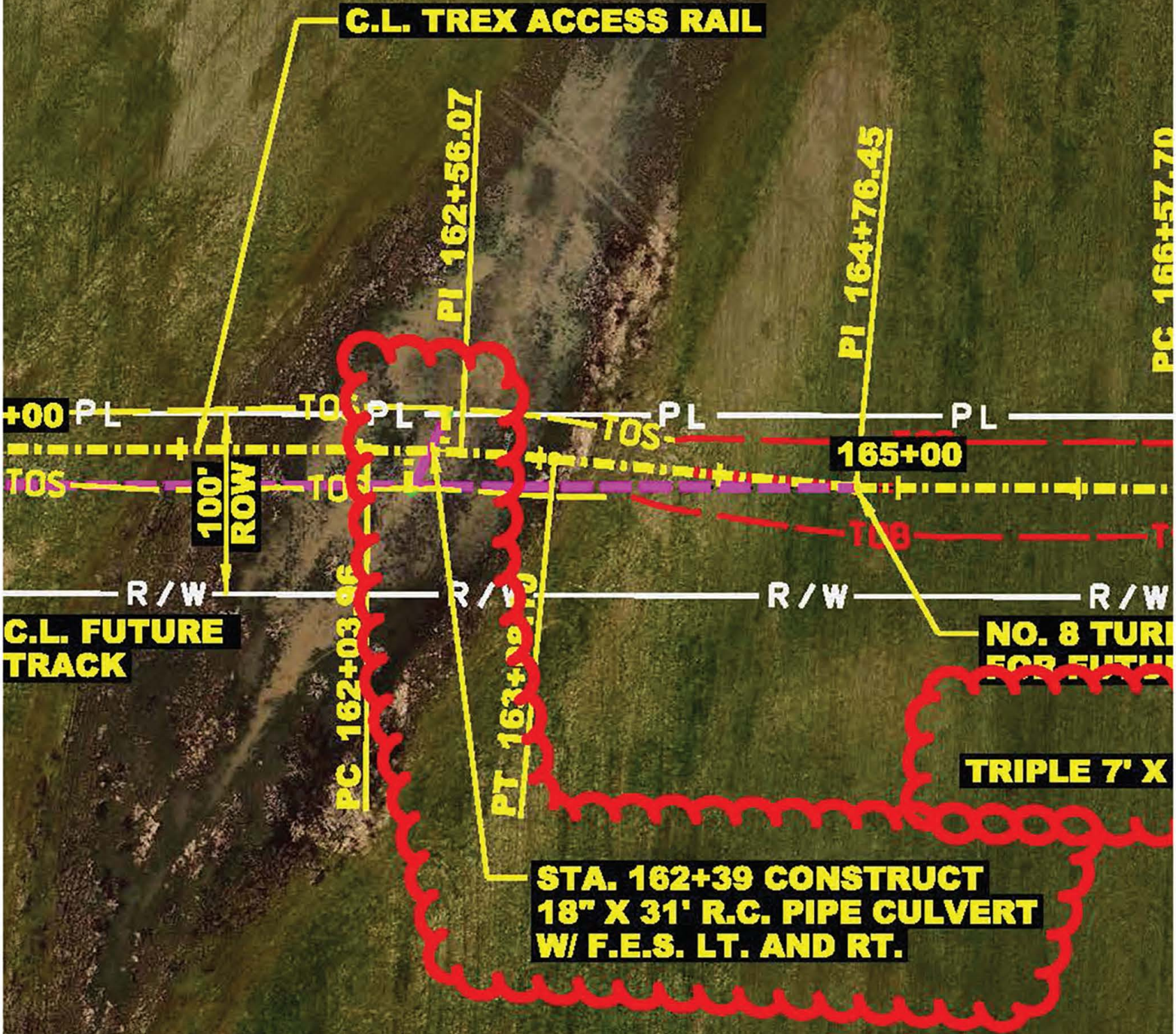


Coordinate System: NAD 1983 2011 UTM Zone 15N

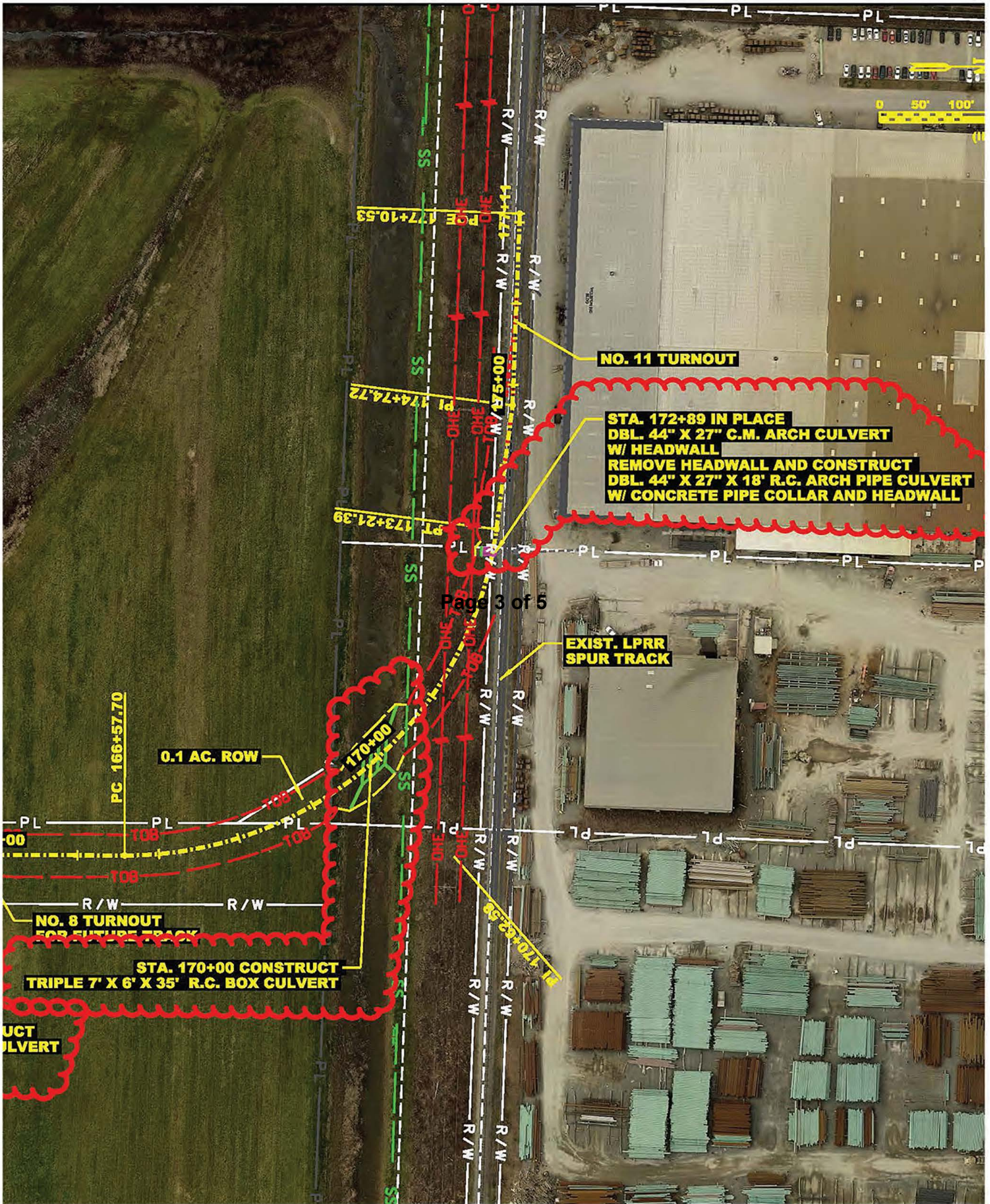




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**NO. 11 TURNOUT**

**STA. 172+89 IN PLACE  
DBL. 44" X 27" C.M. ARCH CULVERT  
W/ HEADWALL  
REMOVE HEADWALL AND CONSTRUCT  
DBL. 44" X 27" X 18" R.C. ARCH PIPE CULVERT  
W/ CONCRETE PIPE COLLAR AND HEADWALL**

**EXIST. LPRR  
SPUR TRACK**

**0.1 AC. ROW**

**NO. 8 TURNOUT  
FOR FUTURE TRACK**

**STA. 170+00 CONSTRUCT  
TRIPLE 7' X 6' X 35' R.C. BOX CULVERT**

**DUCT  
CULVERT**