



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2022-00178

Date: December 20, 2022

Comments Due: January 16, 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, 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

**Legends Resort & Casino, LLC
Mr. Chuck Garrett
777 West Cherokee Street
Catoosa, Oklahoma 74015**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with construction of the Legends Resort and Casino. The proposed project is located in tributaries of Prairie Creek, and associated wetlands, largely in the SW 1/4 of section 35, T. 8 N., R. 20 W., Russellville, Pope County, Arkansas.

The project purpose is the construction of a casino within two miles of Russellville, Arkansas, in accordance with Arkansas Constitution of 1874, Amendment 100 and with Arkansas Casino Gaming Amendment of 2018. Additionally, the City of Russellville adopted Ordinance 2343 in 2019 and established Zone C5 (Highway Commercial Casino District), further limiting the potential location of the casino.

The approximately 44-acre project site would require the fill of approximately 4.31 acres of wetlands and 1,998 linear feet (0.23 acres) of intermittent stream for construction of a hotel tower and casino, event center, outdoor amphitheater, site utilities, storm drainage, RV park, and surface parking. Heavy equipment will be used for clearing, grubbing, cutting and filling of the site. Work would also include the construction of a stormwater detention pond south of Hob Nob Road across from the casino, construction of an advertisement tower at the intersection of Hob Nob and Weir Roads, and construction of an advertisement billboard along I-40 northwest of the intersection of Hob Nob and Bradley Cove Roads. The detention pond and advertisement features would be constructed entirely in uplands.

Currently, the project sites are largely a mixture of overgrown field and scattered forested areas. The main parcel of land is relatively flat but slopes gently to the west and southwest. An electric transmission line essentially bisects the site. Of the overall project site, a total of 8.06 acres of

wetlands and 3,263 linear feet of ephemeral and intermittent stream were identified.

The project limits the impacts to waters of the United States to only that portion of the main project location north of Hob Nob Road. The applicant proposes to compensate for unavoidable adverse impacts to waters of the United States by purchasing mitigation 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.

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 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 may affect Indiana Bat (*Myotis grisescens*) and Northern Long-eared Bat (*Myotis septentrionalis*). Consultation with the U.S. Fish and Wildlife Service is ongoing.

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 16, 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: **35.293911**

Longitude: **-93.098303**

UTM Zone: **15N** North: **3905620**

East: **491083**

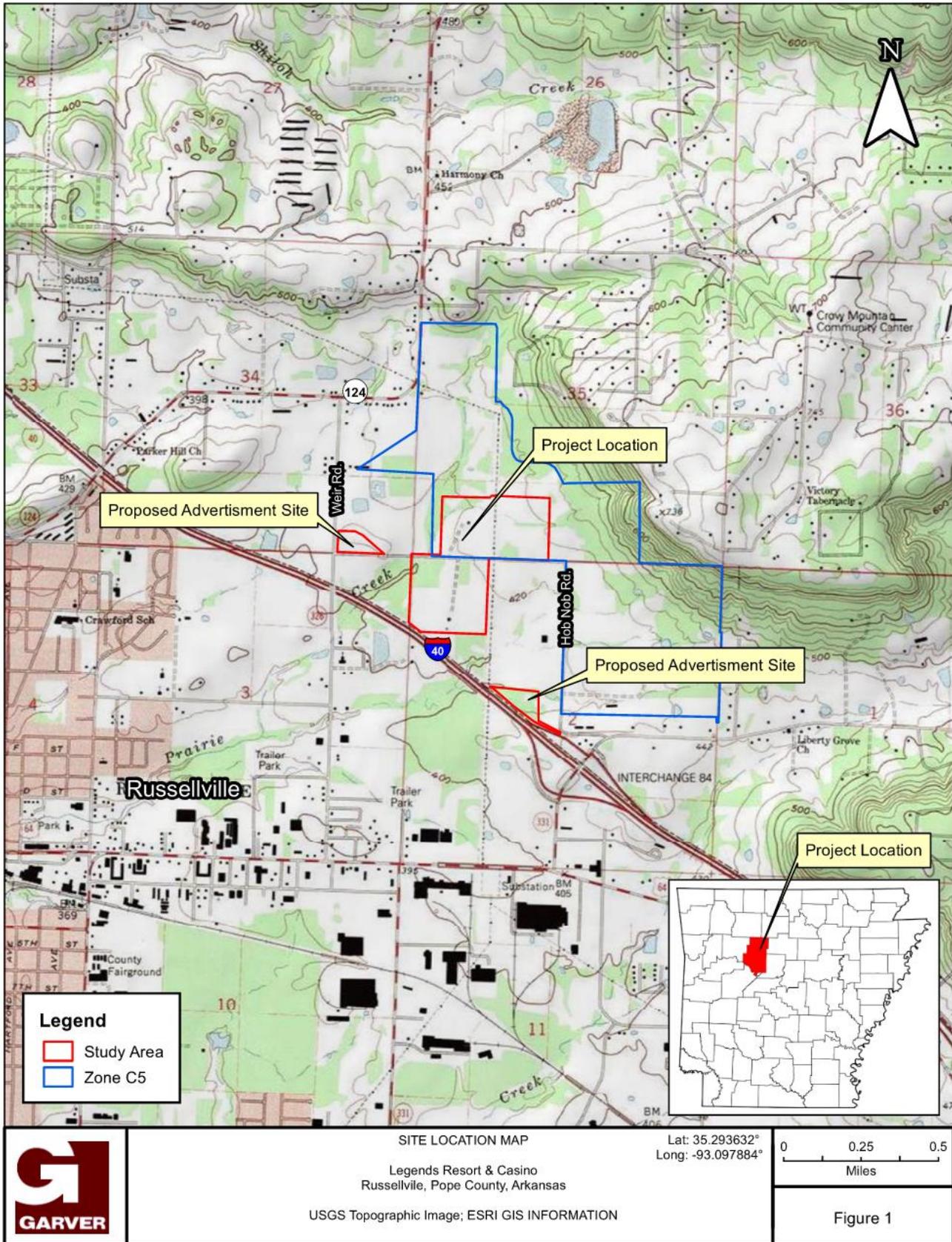


Figure 1: Project Location Map

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 Legends Resort & Casino
 Tributaries to Prairie Creek
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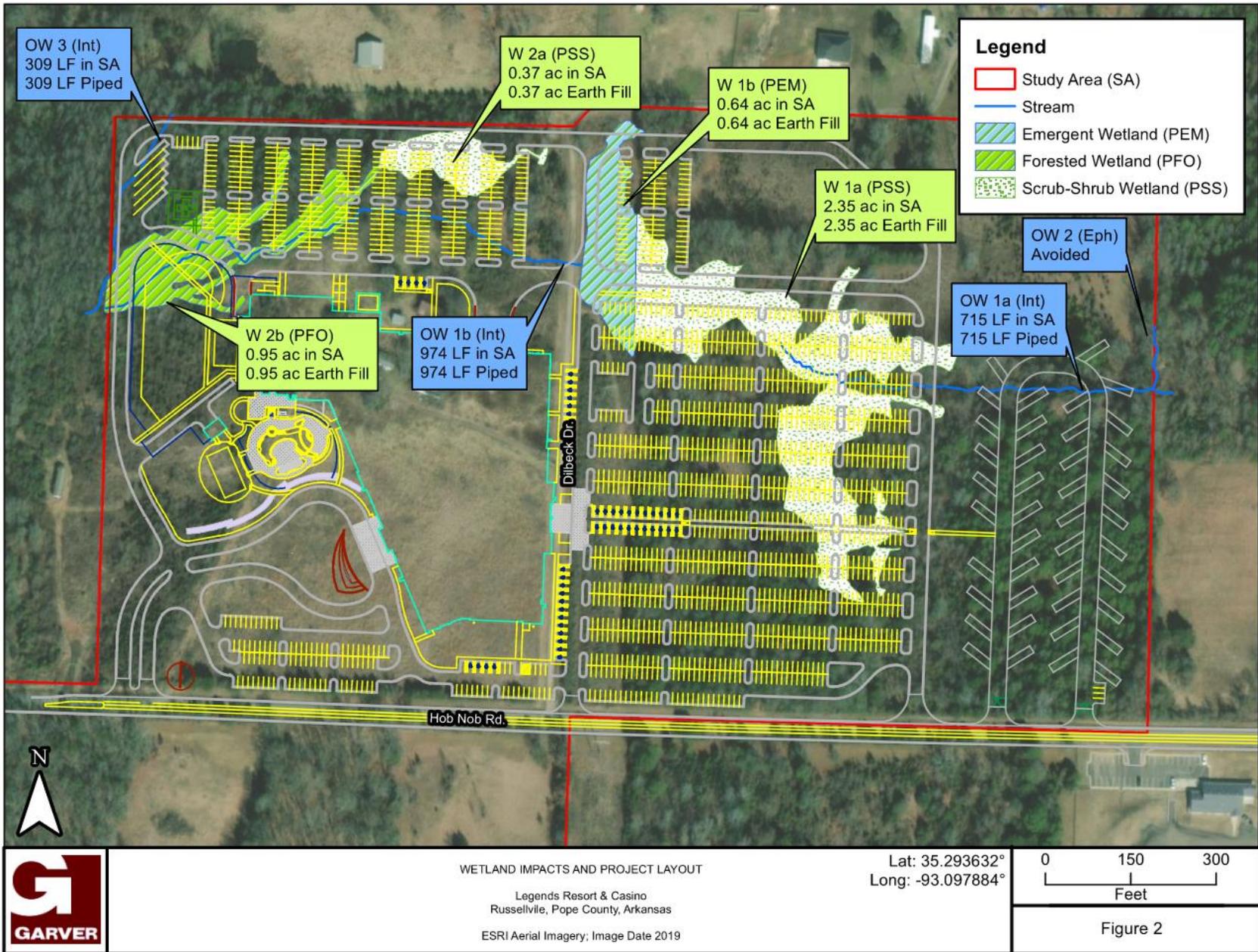


Figure 2: Aerial View of Project Location (Alternative 1)



Advertisement Site 2

Project Site

Detention Pond

Hob Nob Rd.

Dilbeck Dr.

Alaskan Tr.

Advertisement Site 1

Legend

- Study Area (SA)
- Detention Pond
- Stream
- Emergent Wetland (PEM)
- Forested Wetland (PFO)
- Scrub-Shrub Wetland (PSS)



PROJECT LAYOUT
 Legends Resort & Casino
 Russellville, Pope County, Arkansas
 ESRI Aerial Imagery; Image Date 2019

Lat: 35.293632°
 Long: -93.097884°
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