



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL 1993-11733-3

Date: September 12, 2024

Comments Due: October 7, 2024

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

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

**Mr. Brad Harville
Green Bay Packaging
338 Hwy. 113S
Morrilton, Arkansas 72110**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with grading and subsequent commercial facility development of approximately 342.7-acres to expand their existing Arkansas Mill facilities. The proposed project is located in several wetlands and unnamed tributaries to the Arkansas River, in sections 6 & 7, T. 5 N., R. 16 W., Conway County, Arkansas.

The project purpose is to expand the existing Arkansas Mill facility to meet future demands for packaging products.

The current project plans consist of multiple industrial buildings and ancillary structures, roadways, parking areas, materials storage and transfer areas, storm sewers, stormwater treatment and discharge structures, and site control/security facilities. The proposed project is expected to impact three wetlands for a total of 6.41 acres, four streams for a total of 5,390 linear feet, and one pond for a total of 0.18 acres. All impacts would be a result of placement of fill (mixed fill dirt, gravel and/or native soils) for site grading and leveling activities in preparation of facility construction. Surface runoff will be controlled across the disturbed area by installation of storm sewers and stormwater treatment facilities on the site. Sediment and erosion control measures (BMPs) will be in place prior to site clearing and grading activities.

The proposed project is located in a rural/industrialized area of Conway County mainly west of the current facilities off of Arkansas Highway 113. This area contains an existing company soccer/baseball field complex, agricultural fields and forested areas. The Site is in Hydrologic Unit 8-Digit Code (HUC-8) watershed: 11110203 – Lake Conway-Point Remove.

The applicant proposes to purchase mitigation bank credits from a USACE approved mitigation bank to offset the unavoidable impacts to the above aquatic resources. Additionally, the applicant is developing plans for erosion and sediment control to help stabilize the disturbed surface areas to prevent sediment transport off-site.

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 November 27, 2023, 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 solely 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, the Corps and ADEQ or MDNR have determined the reasonable period of time for the certifying agency to act upon the certification request is 120 days once the applicant submits a certification request to the certifying agency. 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. The applicant has completed a Phase I Cultural Resources Survey for the entire project location (approximately 630-acres), and potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer and Federally Recognized Tribal Nations under Section 106 of the National Historic Preservation Act, as appropriate. 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 **October 7, 2024**. 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: **35.098878°**

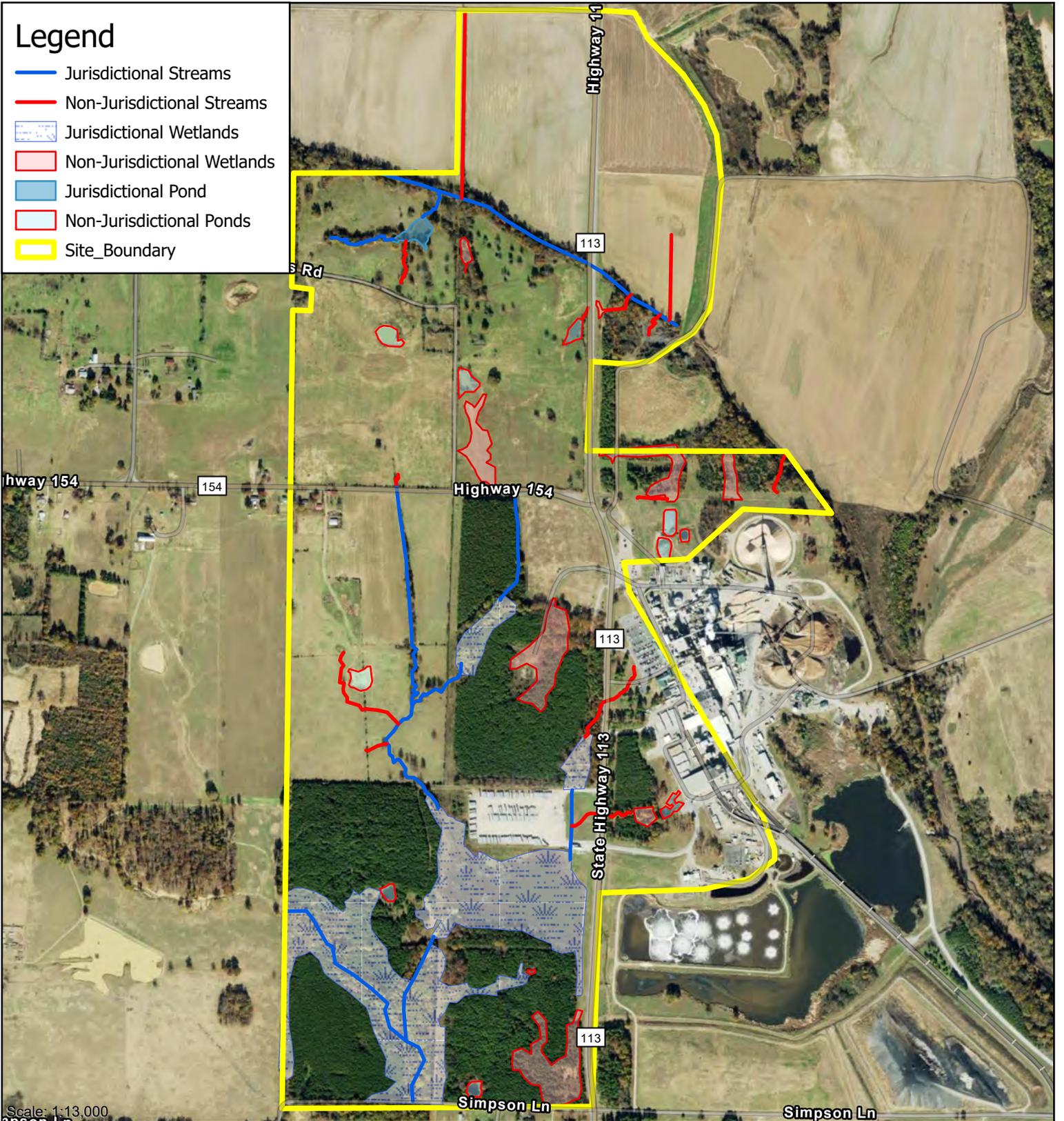
Longitude: **-92.745221°**

UTM Zone: **15N**

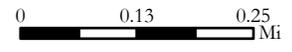
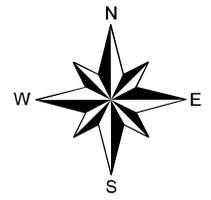
North: **3884038** East: **523221**

Legend

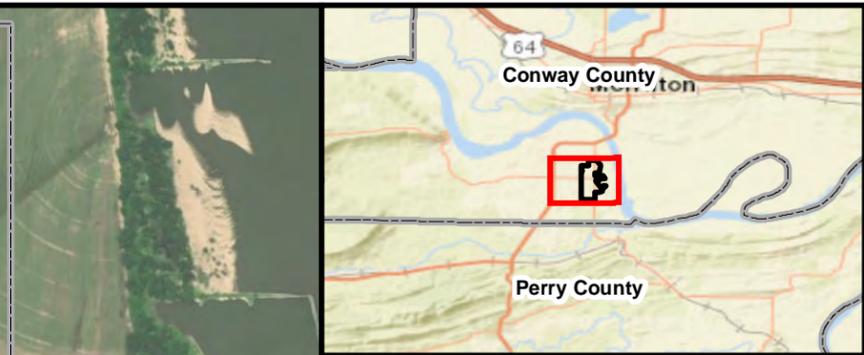
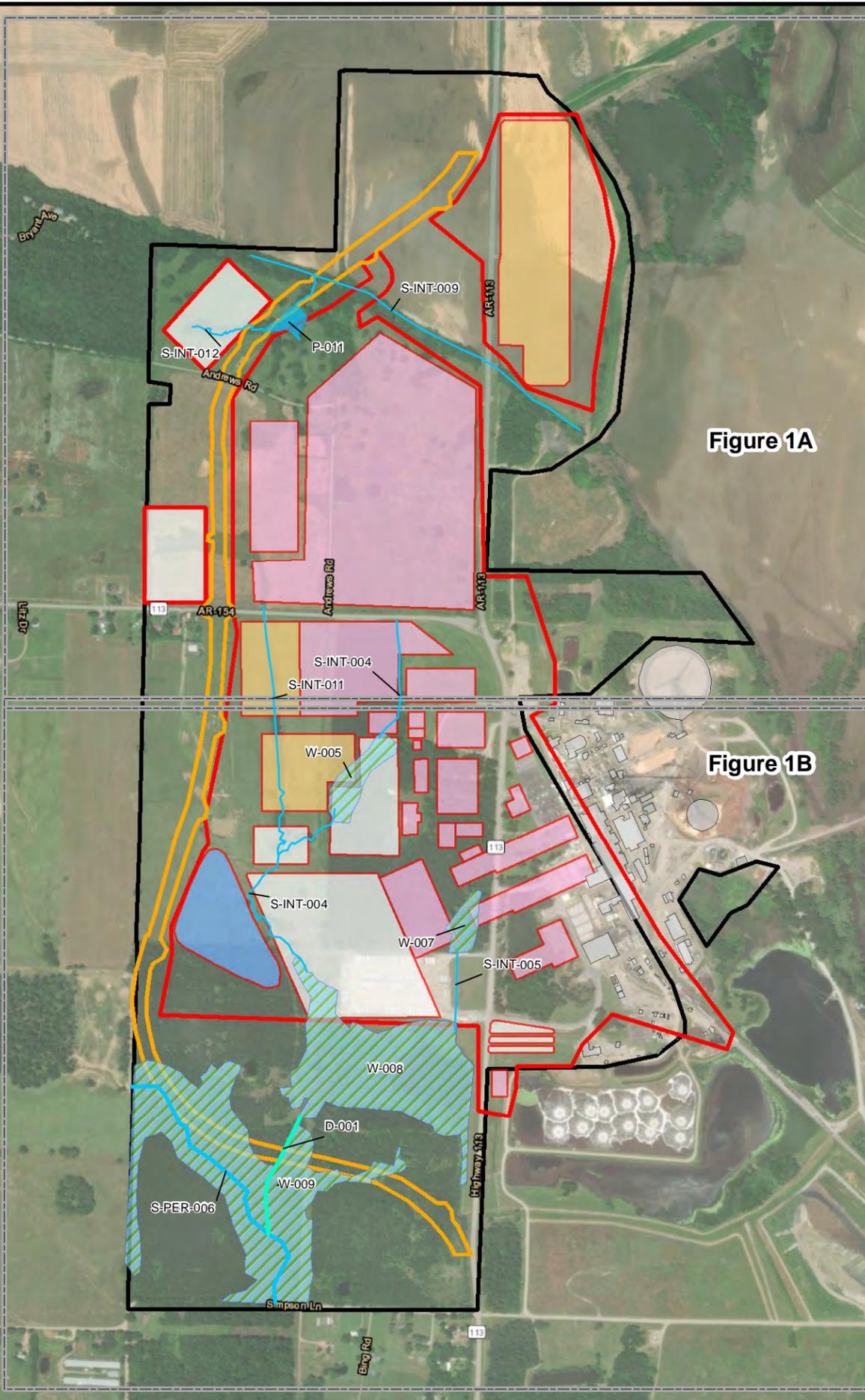
- Jurisdictional Streams
- Non-Jurisdictional Streams
- ▨ Jurisdictional Wetlands
- ▨ Non-Jurisdictional Wetlands
- ▨ Jurisdictional Pond
- ▨ Non-Jurisdictional Ponds
- ▭ Site_Boundary



ACTION NO. SWL 1993-11733-3 Green Bay Packaging Facility Expansion Secs 6 & 7, T. 05 N., R. 16 W. September 2024



Coordinate System: NAD 1983 UTM Zone 15N



LEGEND:

- Ditch
- Perennial Stream
- Intermittent Stream
- Ephemeral Stream
- Pond
- Wetland
- Sheet Index
- Existing Infrastructure
- Proposed Infrastructure
- Commercial/Parking
- Storage/Laydown
- Stormwater Impoundment
- Proposed Limit of Disturbance
- Highway 113 Relocation Right of Way
- Site Boundary

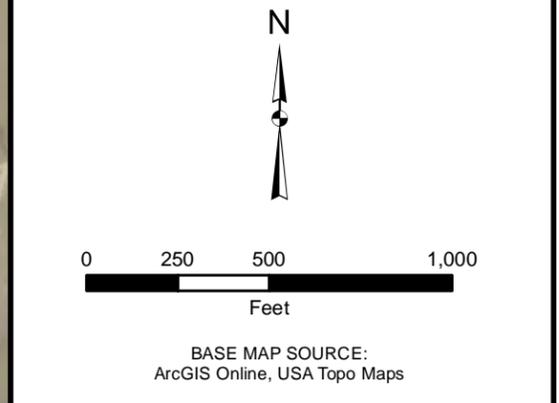
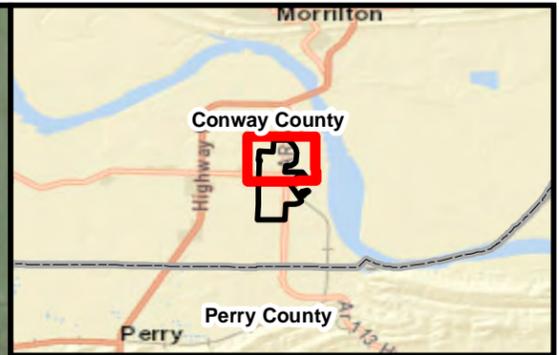
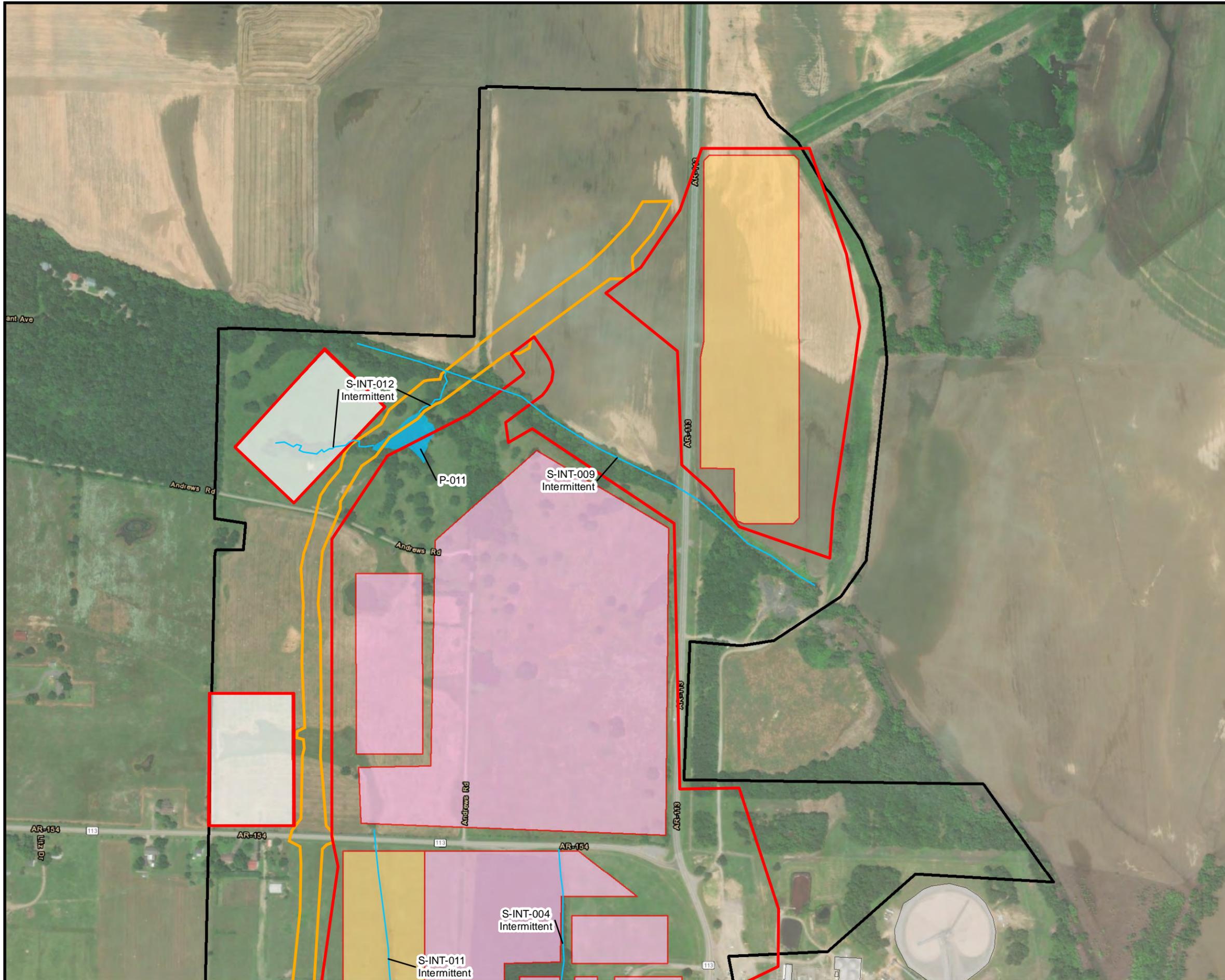
Jurisdiction Features and Proposed GBP Impact		
Waterbody	Type	Impacted Length (Feet)
S-INT-004	Intermittent	2739
S-INT-005	Intermittent	529
S-INT-009	Intermittent	172
S-INT-011	Intermittent	1950
Stream Total		5390
Wetland Name	Cowardin	Impacted Acreage
W-005	PFO	2.88
W-007	PFO	1.68
W-008	PUBF	1.85
Wetland Total		6.41
Pond Name		Impacted Acreage
P-011		0.18
Pond Total		0.18

N

0 500 1,000 2,000
Feet

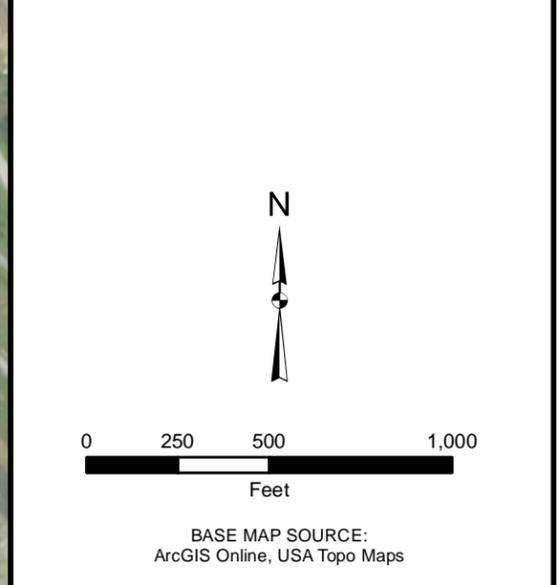
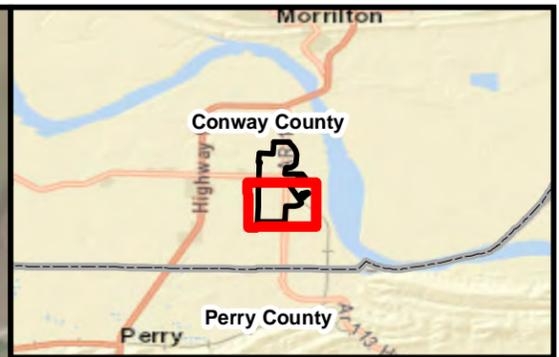
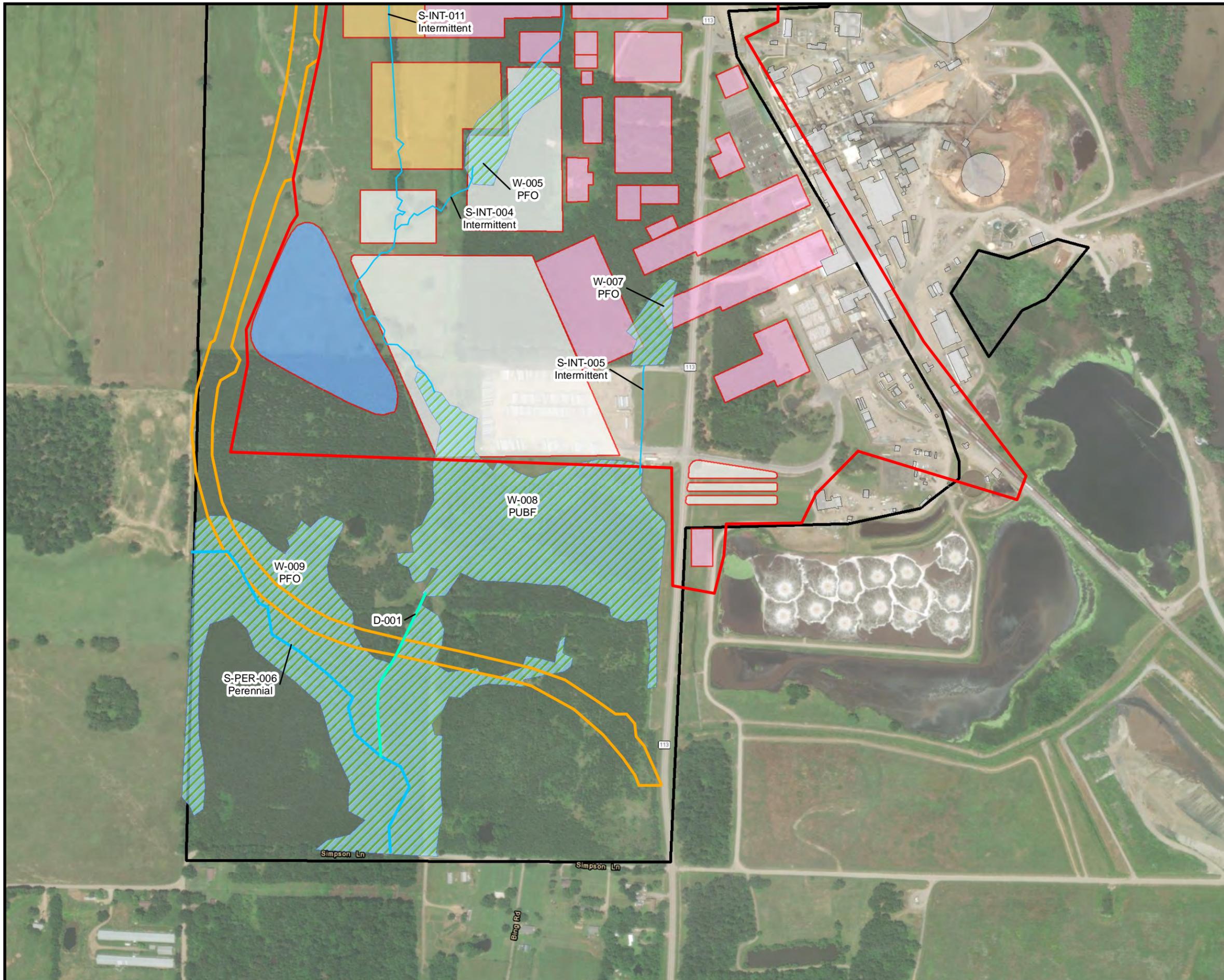
BASE MAP SOURCE:
ArcGIS Online, USA Topo Maps

Green Bay Packaging (GBP) *Arkansas Kraft Division Mill Site*



Green Bay Packaging *Arkansas Kraft Division Mill Site*

FIGURE 3A
IMPACTED AQUATIC RESOURCES



Green Bay Packaging *Arkansas Kraft Division Mill Site*

FIGURE 3B
IMPACTED AQUATIC RESOURCES