



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2006-20473

Date: June 14, 2024

Comments Due: July 9, 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, Emily Edwards, telephone number: (501) 340-1374, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Emily.L.Edwards@usace.army.mil

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

Brett Hogan
Americo Real Estate Company U-Haul International
2727 North Central Avenue
Phoenix, AZ 85004

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the construction of a commercial storage facility. The proposed project is located in emergent and forested wetlands, in the NE 1/4 of section 2, T. 19 N., R. 31 W., Bentonville, Benton County, Arkansas.

The project purpose is to develop a commercial storage facility for the residents of Bentonville and Centerton.

Proposed project activities impacting regulated wetlands include the construction of an approximately 16,423 sq-ft single story building with a loading dock, an approximately 31,585 sq-ft (footprint) 4-story building, parking lot, drainage features, and site grading. Total impacts to waters of the United States include permanent fill of approximately 0.81 acre of wetlands.

The proposed project site (~6-acres) is surrounded by residential property, commercial property, undeveloped property, and is bounded to the north by 14th street. The project area is located in the Little Osage Creek watershed (HUC – 111101030302) with a topography that is generally flat to gently sloping to the southwest. Four wetland features (WET-A (~0.05 acre), WET-B (~0.65 acre), WET-C (~0.10 acre), and WET-D (~0.13 acre) were identified on site totaling approximately 0.93 acre. Drainage associated with these wetland features enters the project area from the east and flows through WET-B, then through WET-C, then drains offsite to the west and into the larger wetland complex in the vicinity, then to Little Osage Creek, Osage Creek, then flowing generally to its confluence with the Illinois River.

Five alternatives were considered in regard to the development of the site. The preferred alternative consists of the construction of a 1-story building with a loading dock, a 4-story building, a paved parking lot with two street entrances/exits, and site drainage features. The Applicant proposes to minimize impacts to waters of the U.S. by utilizing best management practices (BMPs), minimizing site grading, and by almost completely avoiding WET-D.

To compensate for the unavoidable wetland impacts associated with the proposed project, the Applicant proposes to purchase 6.9 wetland mitigation credits to compensate for impacts to approximately 0.81 acres of wetlands from an available USACE 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 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 have determined the reasonable period of time for the certifying agency to act upon the certification request is 180 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. 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 **July 9, 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

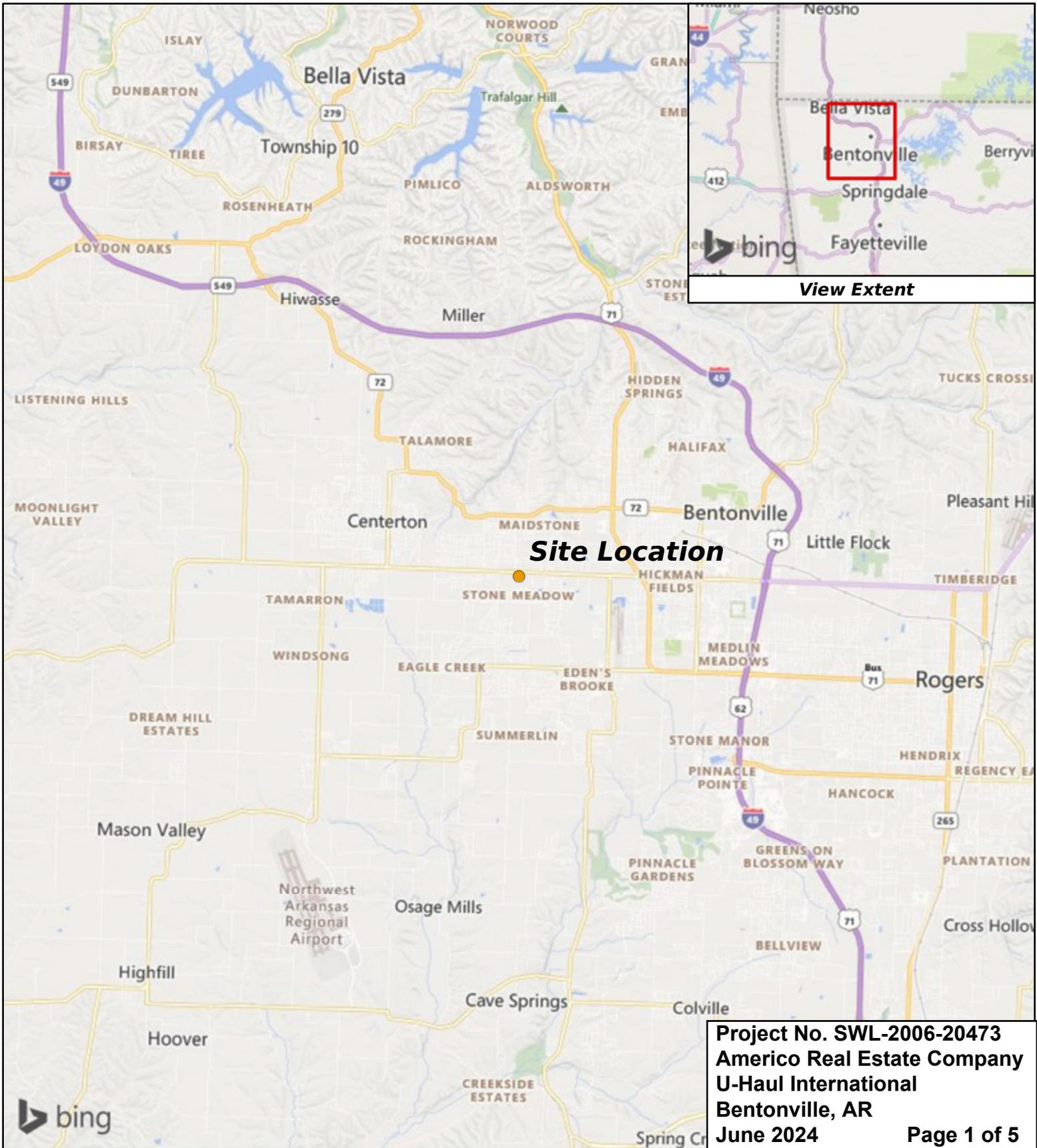
Approximate Coordinates of Project Center

Latitude: **36.356667**

Longitude: **-94.247879**

UTM Zone: **15S** North: **4024232.11**

East: **388037.56**



Moser Construction Development Project

2 Miles

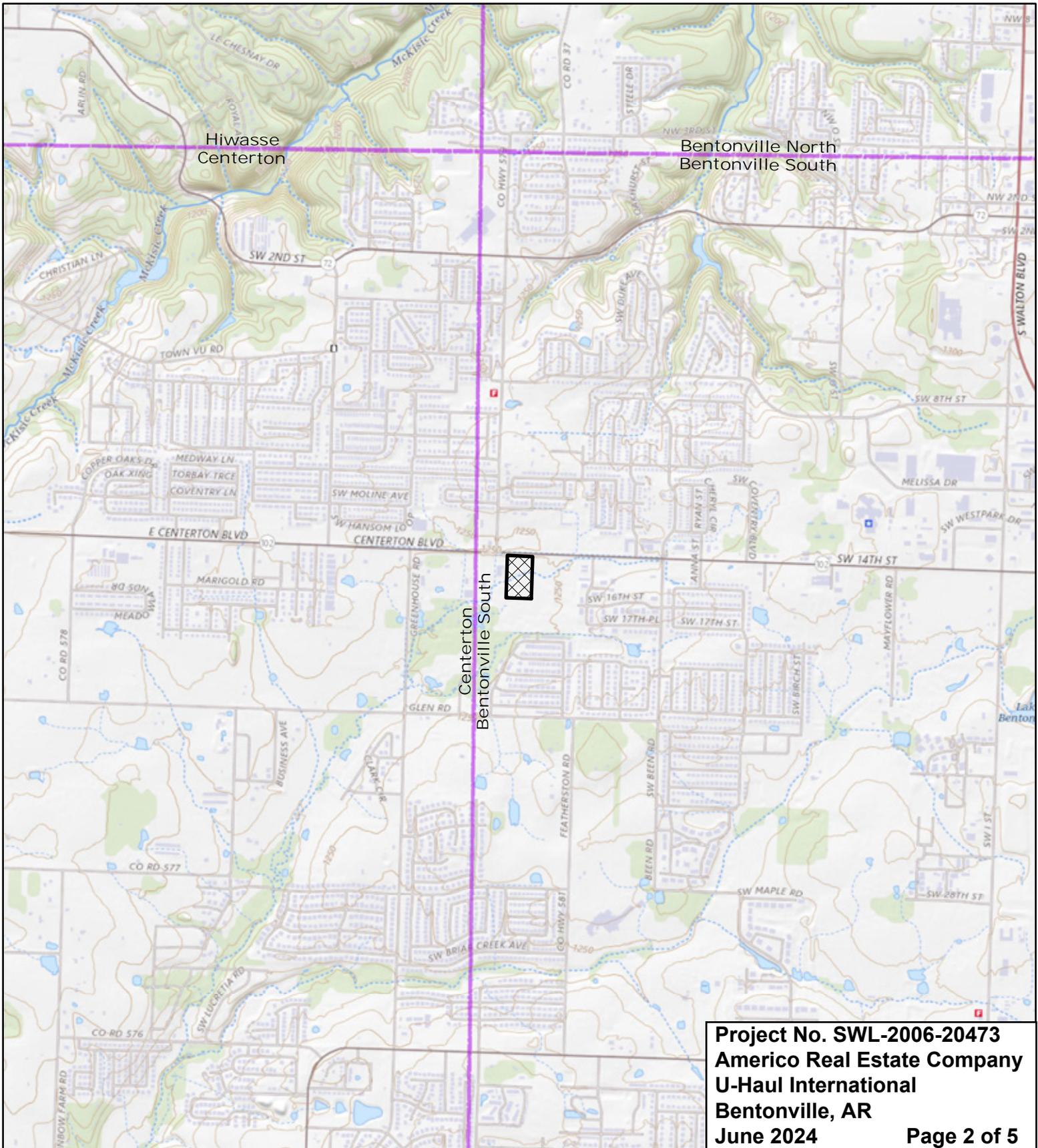
● Site Location



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Background: Microsoft Corporation and its data suppliers

Figure 1. Vicinity Map.



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Bentonville, AR
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Moser Construction Development Project

2,000
 Feet

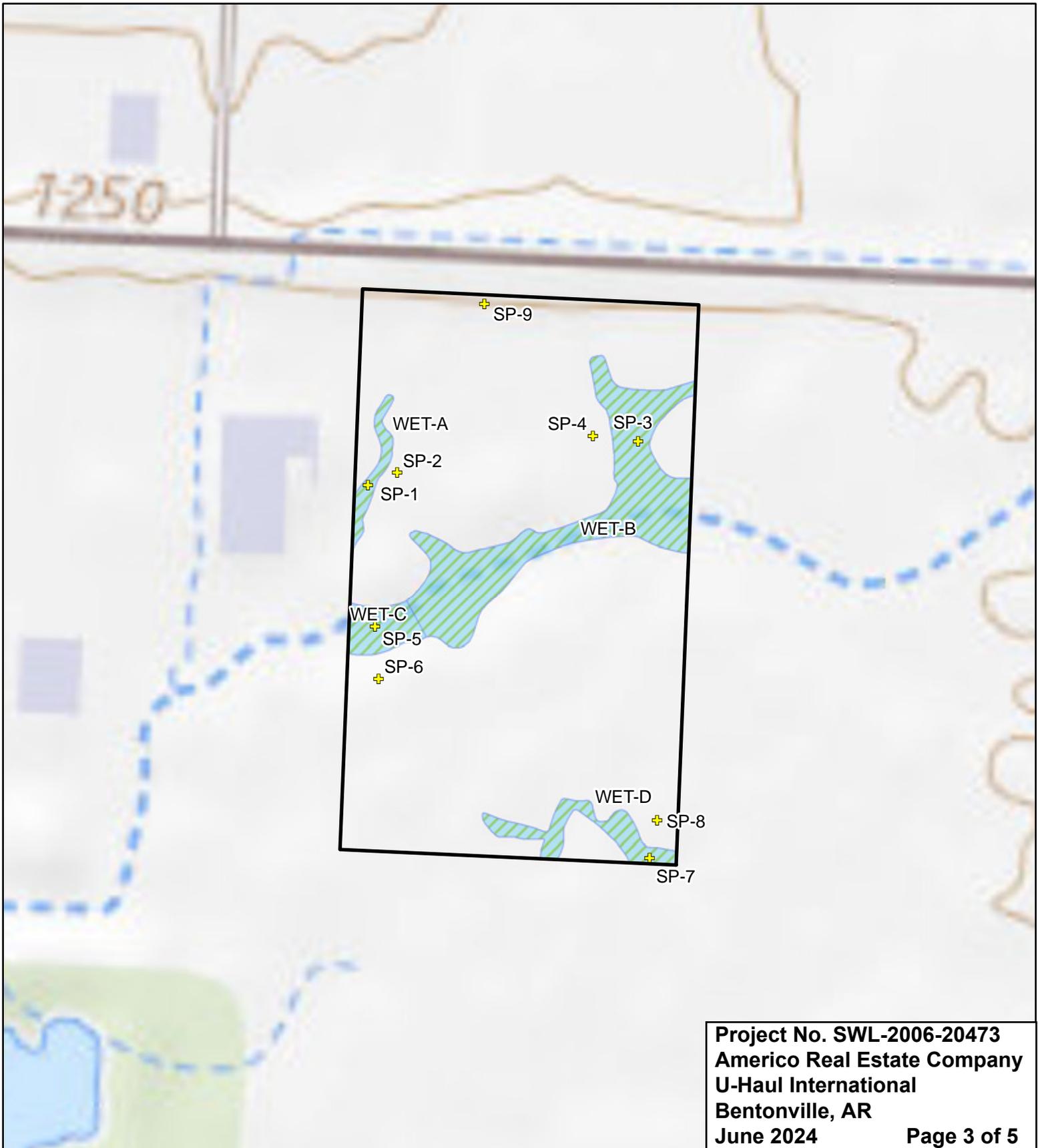
 Project Area



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Background: USGS TNM Topo basemap

Figure 2. Map showing overview of project area overlaid on the USGS *The National Map* Topo basemap for quadrangles Bentonville South, Bentonville North, Centernton, and Hiwasse, AR (7.5-minute series).



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Moser Construction Development Project

150
 Feet

 Project Area
 Project Wetlands

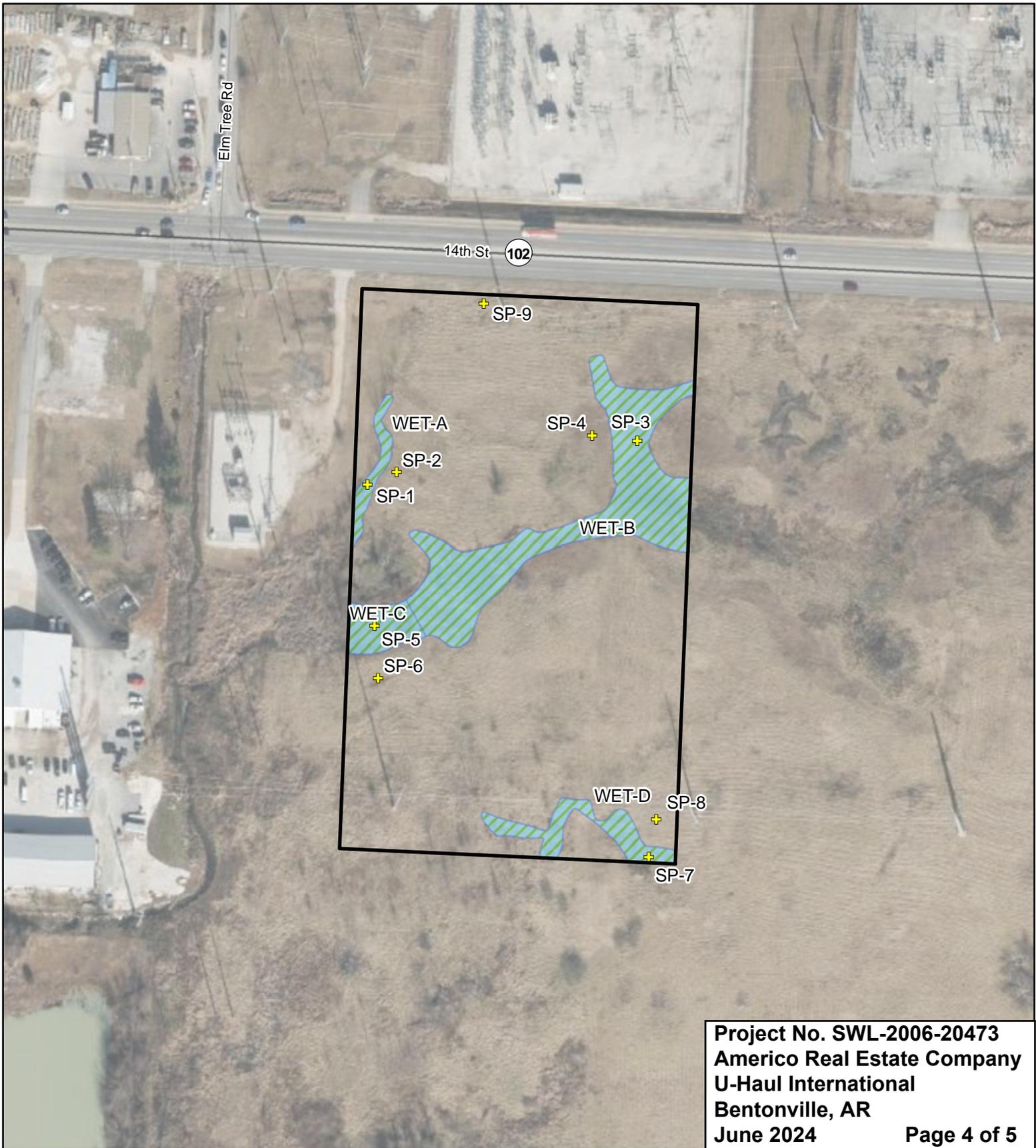
 Sample Points



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Background: USGS TNM Topo basemap

Figure 3. Map showing project area details overlaid on the USGS *The National Map* Topo basemap for quadrangle Bentonville South, AR (7.5-minute series).



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Moser Construction Development Project

150
 Feet

-  Project Area
-  Project Wetlands

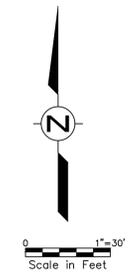
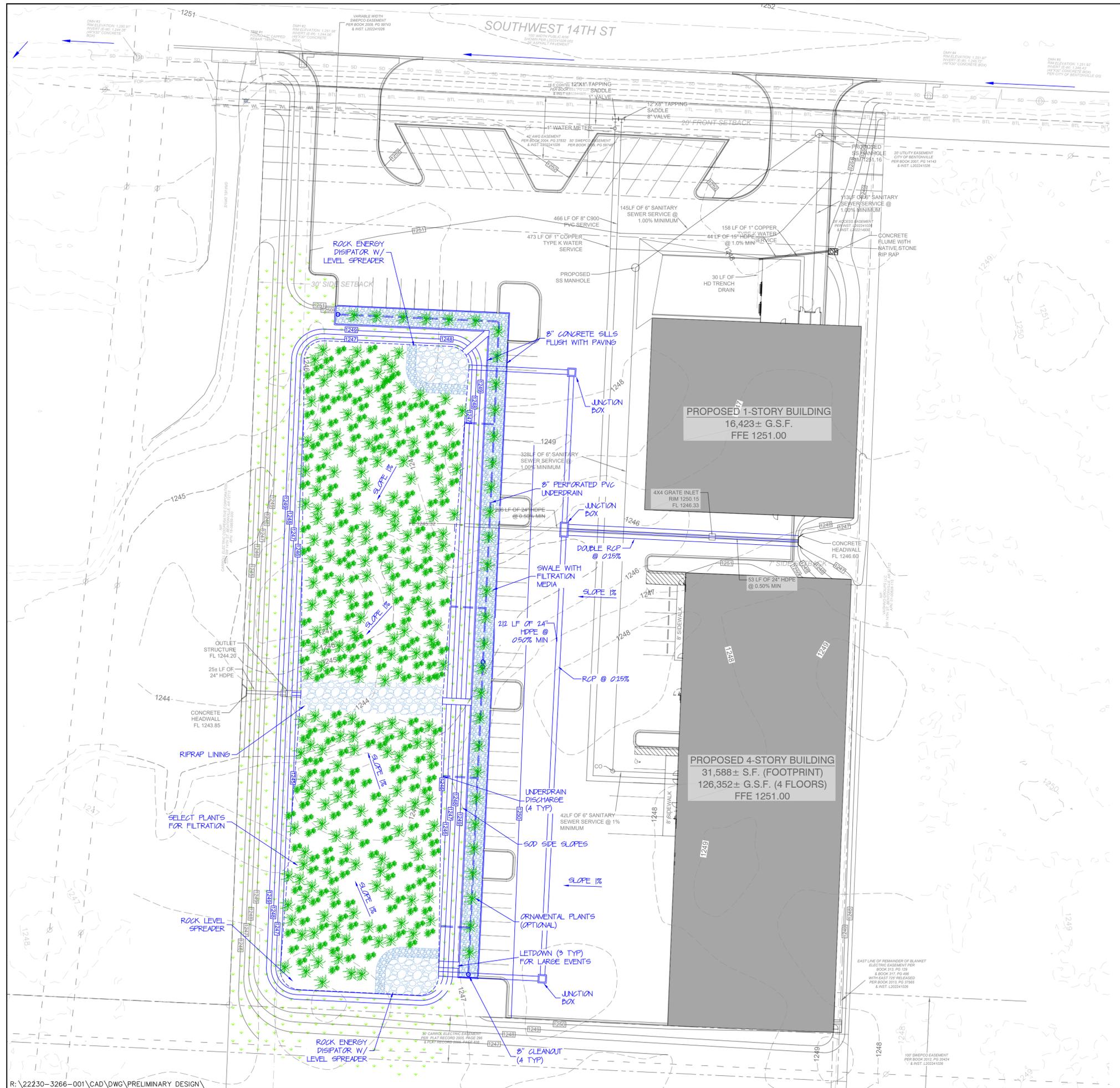
 Sample Points



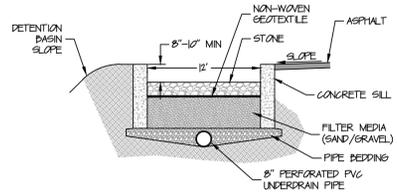
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Background: Arkansas GIS Office; Benton County GIS

Figure 4. Map showing project area details overlaid on 2022 Benton County aerial imagery.



- CONCEPTUAL DESIGN NOTES:**
1. CONVEYANCE OF OFFSITE DRAINAGE THROUGH SITE MAY REQUIRE INCREASING SITE GRADES AND FINISHED FLOOR ELEVATIONS OF BUILDINGS.
 2. AREA OF FILTRATION PROVIDED BY DETENTION BASIN IS SIMILAR TO THAT OF EXISTING CONDITIONS. FILTRATION SWALE PROVIDES PRELIMINARY FILTRATION OF ONSITE RUNOFF. DETENTION BASIN WILL ALSO PROVIDE SETTLING.
 3. PROPOSED MODIFICATIONS TO DESIGN OF SUBSURFACE DRAINAGE AND DETENTION SYSTEM WILL REQUIRE ANALYSIS BY PROJECT CIVIL ENGINEER.



CONCEPTUAL FILTRATION SWALE



Know what's below.
Call before **Project No. SWL-2006-20473**
Americo Real Estate Company
U-Haul International
Bentonville, AR
June 2024



**GILID STORMWATER TREATMENT
PROPOSED U-HAUL SITE
MOSER CONSTRUCTION**

**CONCEPTUAL
SITE PLAN**

CENTERTON, ARKANSAS



REV	DATE	DESCRIPTION	BY	APVD
1	10/05/23	INCREASED POND WIDTH AND REQUIRED OFFSITE FLOW TO ENDS OF POND.	JUG	JUG
0	06/28/23	ISSUED FOR REVIEW (REVISION, CLOUDS NOT SHOWN FOR CLARITY.)	JUG	JUG
		PRELIMINARY ISSUE FOR REVIEW.		