



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	KWH-MVK-2015-474
EVALUATOR:	Ms. Kristi Hall
PHONE NO.:	(601) 631-7528
FAX NO.:	(601) 631-5459
E-MAIL:	Kristi.W.Hall@usace.army.mil
DATE:	September 3, 2015
EXPIRATION DATE:	September 23, 2015

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Alex Fuller
Love's Travel Stops & Country Stores
Post Office Box 26210
Oklahoma City, Oklahoma 73126

Name of Agent:
Mr. Jimmy Rogers
FTN Associates, Ltd.
3 Inwood Circle, Suite 220
Little Rock, Arkansas 72211

Location of Work: Section 3 -Township 16 South -Range 2 West, Latitude 33.3315, Longitude -91.2927, within the Bayou Macon watershed part of the Boeuf-Tensas River Drainage Basin (8-digit USGS HUC 08050002), Lake Village, Chicot County, Arkansas.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional wetlands and other waters of the U.S. for the purpose of constructing a travel stop. Plans would include a fueling station, Love's Travel Stop store, a restaurant, eight vehicle fueling stations, four large truck fueling bays, 52 auto parking spaces, 68 truck parking spaces, a truck scale, a recreational vehicle station, two entrances and exits for ingress and egress, and a routed gravity sewer main.

The total project area would encompass 13.8 acres with 2.9 acres of wetlands, 902 linear feet of ephemeral stream and 466 linear feet of a ditched stream found on site. Water from the site drains to Little Lake Bayou, a tributary of Bayou Macon. The project, as proposed, would fill 1.74 acres of wetlands and 558 linear feet of ephemeral stream. Approximately 420 cubic yards of clean fill will be obtained.

The vegetative communities within the project area are dominated by honey locust, sugarberry, cedar elm, green ash, common rush, eastern narrowleaf sedge, white-root rush, poison ivy, Japanese honeysuckle, peppervine, early buttercup, yellowseed false pimpernel, Soil within the project site consists of Sharkey clay, having a hydric component percent rating of 100 by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through an approved commercial mitigation bank.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: The permit area is likely to yield resources eligible for inclusion in the National Register of historic places. An investigation for the presence of potentially eligible historic properties is justified. A public notice has been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: Our initial finding is that the proposed work will have no effect on the following endangered species or their critical habitats: interior least tern, pallid sturgeon, bald eagle, and piping plover. Any comments regarding endangered species or their critical habitat would be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project is located within the 100 year floodplain.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

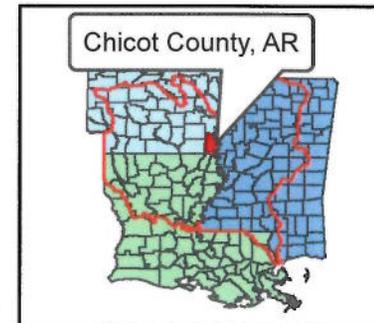
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.



**Thomas A. McCabe
Acting, Evaluation Chief
Regulatory Branch**



10 July 2015
MVK-2015-474
 Jurisdictional Determination
 Love's Travel Stops & Country Stores
 FTN Associates, Ltd.
 Lake Village, Chicot County, Arkansas
Preliminary
Jurisdictional Determination
 Prepared by
 Arel Simpson



US Army Corps of Engineers

Regulatory Branch
 Enforcement Section

0 65 130 260 Feet

Enclosure 1

There are jurisdictional waters of the U.S. within the project boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S., a permit is required.

Legend

Project Boundary (13.83 Acs.)	Blocked Ephemeral Drain (344 L.F.)
Proposed Drain Impact (558 L.F.)	Proposed Wetlands Impact (1.74 Acs.)
Jurisdictional Ditch (466 L.F.)	Undisturbed Jurisdictional Wetlands (1.11 Acs)

