



**US Army Corps
of Engineers.**

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

Public Notice

APPLICATION NO.:	MVK-2019-215
EVALUATOR:	Mr. Jared Everitt
PHONE NO.:	(601) 631-7104
E-MAIL:	Jared.H.Everitt@usace.army.mil
DATE:	February 04, 2025
EXPIRATION DATE:	February 25, 2025

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 either be emailed to the project manager listed above, submitted through the Regulatory Request System at <https://rrs.usace.army.mil/rrs/public-notice>, or mailed in as a hard copy to the Vicksburg District, Attention: CEMVK-RD, 4155 East Clay Street, Vicksburg, Mississippi 39183-3435 and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Water Quality Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to 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 submitted a certification request to the Arkansas Department of Environmental Quality (certifying authority). In accordance with Certification Improvement Rule, once the applicant submits a certification request, the U.S. Army Corps of Engineers and the certifying authority will jointly establish the reasonable period of time for the certifying authority to act upon the certification request.

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

Name of Applicant:

**Mr. Kyle Smith
The Tulsa Group, LLC
165 Shelton Road
Arkadelphia, Arkansas 71923**

Name of Agent:

**Mr. Jimmy Rogers
Engineering Compliance
Construction, Incorporated
13000 Cantrell Road
Little Rock, Arkansas 72223**

Location of Work: The proposed project site is located in Section 29, T1S-R14W, Latitude 34.61351, Longitude -92.52355, within the Hurricane Creek-Upper Saline Drainage Basin (8-digit USGS HUC 08040203), Saline 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 "Waters of the U.S." for the purpose of constructing the Tulsa Group Commercial Development, within Saline County, Arkansas.

The proposed project development site consists of approximately 1.7-acres. The site will include three 5,000 sq/ft retail buildings, 72 parking spaces, entrance, drives, interior road/travel ways, piped drainage, and utilities, etc. Partial site preparation has already been completed under a previously authorized nationwide permit. The remaining portion of the site is now being proposed to be cleared and leveled, with clean offsite fill used to raise/level the site ahead of construction activity. Filling to raise/level the rest of the site will include the filling of onsite wetland areas and completing the piping of a stream previously permitted.

The following is a breakdown of the original identified aquatic resources found within the project site:

**Forested/scrub shrub wetlands 0.8 acre
Ephemeral streams 151 linear feet
Intermittent stream 165 linear feet**

The previously issued nationwide permit authorized the following impacts:

**Permanent fill of 0.44 acres of Forested Scrub shrub wetlands
Permanent fill of 140 linear feet of intermittent stream through piping
Permanent fill of 112 linear feet of ephemeral stream through culverting
Permanent fill of 29 linear feet of ephemeral stream through filling with dirt**

The aforementioned impacts were mitigated for under the previous authorization.

The following is a breakdown of the remaining features to be impacted:

Permanent fill of 0.36 acres of Forested/Scrub shrub wetlands
Permanent impacts to 140 linear feet of intermittent stream through piping

The Applicant proposes to purchase the required compensatory mitigation credits from a USACE Vicksburg District approved mitigation bank.

The majority of the proposed commercial development site has been disturbed by previously permitted activities. The disturbed portion has been filled. The remaining undisturbed portion of the site is currently in Forested/scrubshrub wetlands. Primary hydrology indicators observed on site include surface water, high water table, saturation, water marks, sediment deposits, water-stained leaves, and drainage patterns. The dominant wetland vegetation within the project area consists of water oak, black willow, sweetgum, American sycamore, American hornbeam, Chinese privet, red maple, American elm, soft rush, creek sedge, Japanese honeysuckle, common greenbrier, saw greenbrier, sawtooth blackberry, and crossvine. Soils within the project area consist of Amy-Gourdon complex, 0 to 3 percent slopes, mounded; Avilla silt loam, 1 to 3 percent slopes. The two soil types are listed as non-hydric but with the potential for hydric inclusions.

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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Vicksburg District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties.

Endangered Species: The Threatened and Endangered Species list gained via the U.S. Fish and Wildlife Service's Information for Planning and Consultation Tool for the project area includes Eastern Black Rail, Ouachita Fanshell, Pink Mucket, Piping Plover, Rufa Red Knot, Winged Maple leaf, Alligator Snapping Turtle, Monarch Butterfly, and Tricolored Bat. The Corps has determined that the proposed activity would have no effect on these species as the project location does not contain suitable habitat for these species.

Floodplain: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain 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 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>.

**Andy Sanderson
Chief, Arkansas/Louisiana Branch
Regulatory Division**



Pre-Disturbance Features Map



- Project Area
- INT
- EPH
- Wetlands
- Cleared and Graded
- Dug Drainage Ditch
- EPH

130
Feet



C:\Users\gmikel\Documents\ArcGIS\Projects\5202-3001\5202-3001.aprx

Background: https://gis.arkansas.gov/arcgis/services/IMAGERY_9IN_2023/ImageServer



Previously Permitted Impacts



- Project Area
- INT
- EPH
- Wetlands
- Cleared and Graded
- Dug Drainage Ditch
- EPH

130

Feet



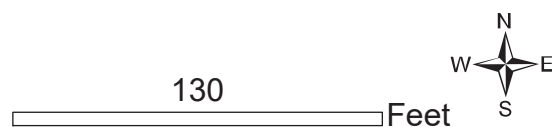


Figure for illustrative purposes only.

Current Existing Conditions Map



- Project Area
- INT
- EPH
- Wetlands
- Cleared and Graded
- Dug Drainage Ditch
- EPH



C:\Users\gmikel\Documents\ArcGIS\Projects\5202-3001\5202-3001.aprx

Background: https://gis.arkansas.gov/arcgis/services/IMAGERY_9IN_2023/ImageServer

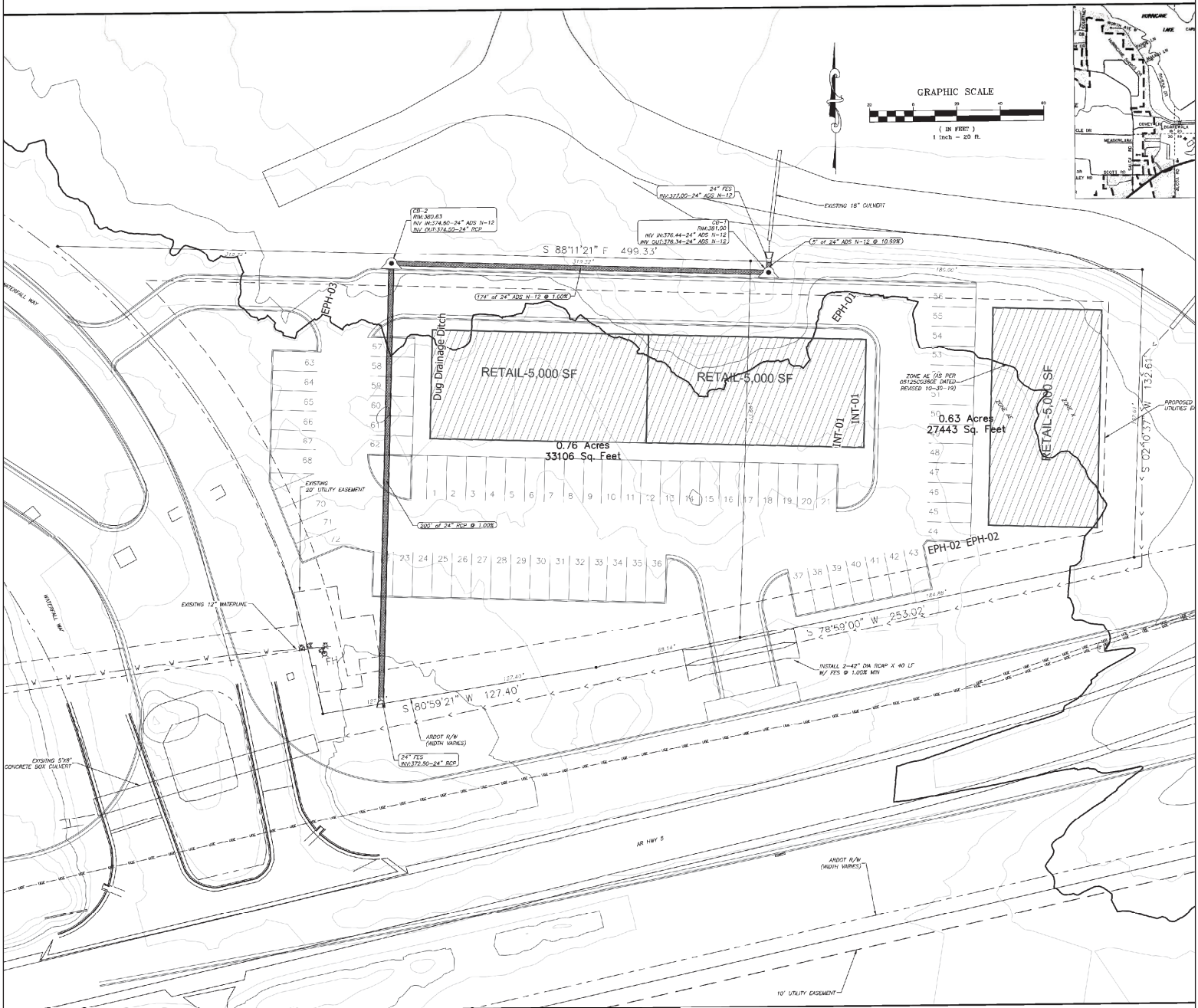
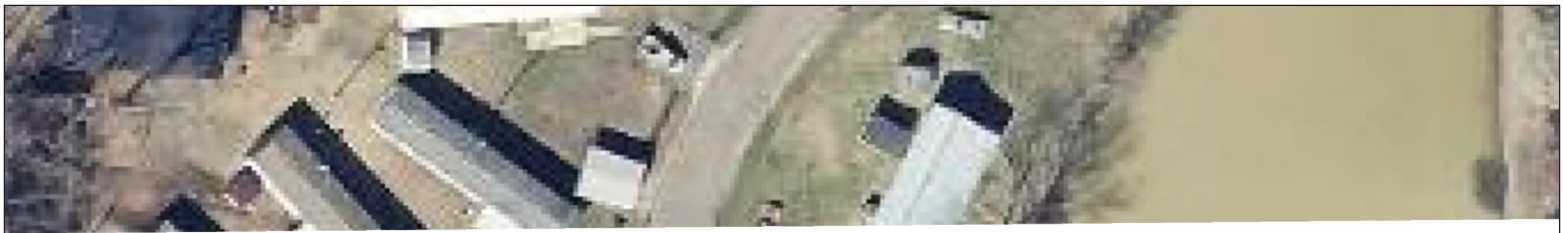


Figure for illustrative purposes only.

Current Plans Map



- Project Area
- INT
- EPH
- Wetlands
- Cleared and Graded
- Dug Drainage Ditch
- EPH

130

Feet



C:\Users\gmikell\Documents\ArcGIS\Projects\5202-3001\5202-3001.aprx

Background: https://gis.arkansas.gov/arcgis/services/ImageServices/IMAGERY_9IN_2023/ImageServer