



**US Army Corps
of Engineers**

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

Public Notice

APPLICATION NO.:	MVK-2024-190
EVALUATOR:	Mr. Jared Everitt
PHONE NO.:	(601) 631-7104
E-MAIL:	Jared.H.Everitt@usace.army.mil
DATE:	May 1, 2024
EXPIRATION DATE:	May 22, 2024

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-RD, 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. David Ratcliff
Buc-ee's, Ltd.
327 FM 2004
Lake Jackson, Texas 777566

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 17, T2S-R15W, Latitude 34.5492, Longitude -92.629, within the Trace River-Saline River 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 Buc-ee’s Benton Travel Center, within Saline County, Arkansas.

The proposed project development site is made up of 24.4 acres. The proposed Buc-ee’s travel center will include a ~76,500 square foot store, parking lots, fueling pumps, electric vehicle charging stations, entrance roads, and interior road/travelways.

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

Permanent fill of 4.58 acres of herbaceous-emergent wetlands.

Site preparation activities would include bringing in clean fill to raise/level the site ahead of construction activities. Filling to raise/level the site, would include the permanent filling of 4.58 acres of emergent wetlands with 7,400 cubic yards of clean fill material.

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

The majority of the proposed travel center site is currently in pastureland. Primary hydrology indicators observed on site include surface water, high water table, saturation, water marks, inundation visible on aerial imagery, water-stained leaves, oxidized rhizospheres on living roots, drainage patterns, crayfish burrows, geomorphic position, and positive FAC-neutral tests. The dominant wetland vegetation within the project area consists of Dallis grass, soft rush (*Juncus effusus*), brushy seedbox (*Ludwigia alternifolia*), marsh seedbox (*Ludwigia paustris*), swamp smartweed (*Persicaria hydropiperoides*), rose-mallow (*Hibiscus moscheutos*), and poor-joe (*Diodia virginiana*). Soils within the project area consists of Amy silt loam, frequently flooded; Avilla silt loam, 1 to 3 percent slopes; and Carnasaw-Townley association, steep. The Amy silt loam and Avilla silt loam are both listed as a hydric soil.

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. Currently this office is coordinating with the State Historic Preservation Officer, Federally-recognized Tribes, and other interested parties regarding potential effects to historic properties that could result from the proposed activity. Copies of this public notice have 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: 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: Arkansas Fatmucket, Eastern Black Rail, Indiana Bat, Ouachita Fanshell, Pink Mucket, Piping Plover, Rabbitsfoot, Rufa Red Knot, Winged Maple leaf, Northern Long-Eared Bat, 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 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,

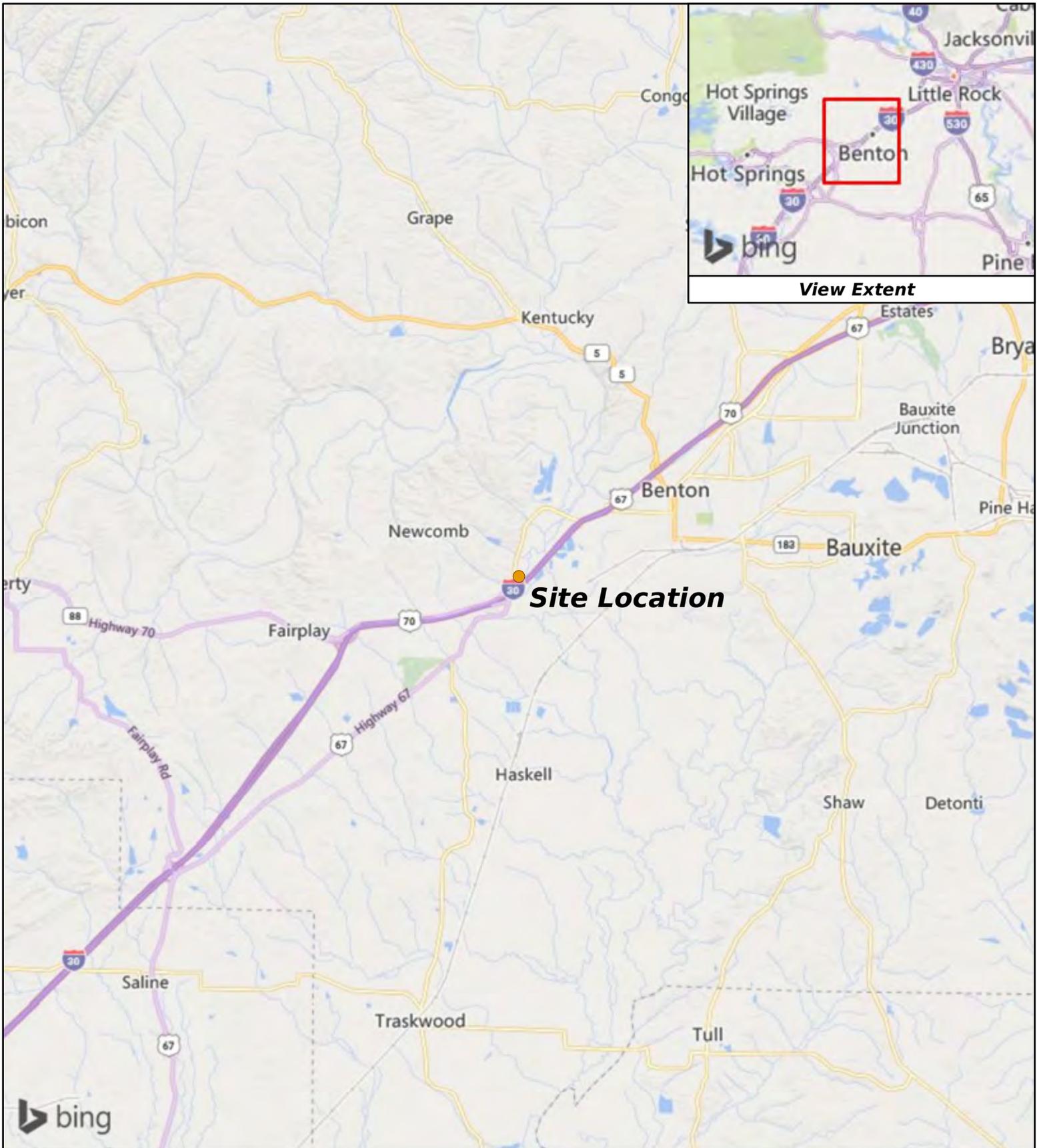
safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

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.

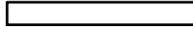
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this 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>.

Spencer Dixon
Chief (Acting), Arkansas Branch
Regulatory Division



Kimley Horn – Buc-ee's Section 404 Benton

2
 Miles

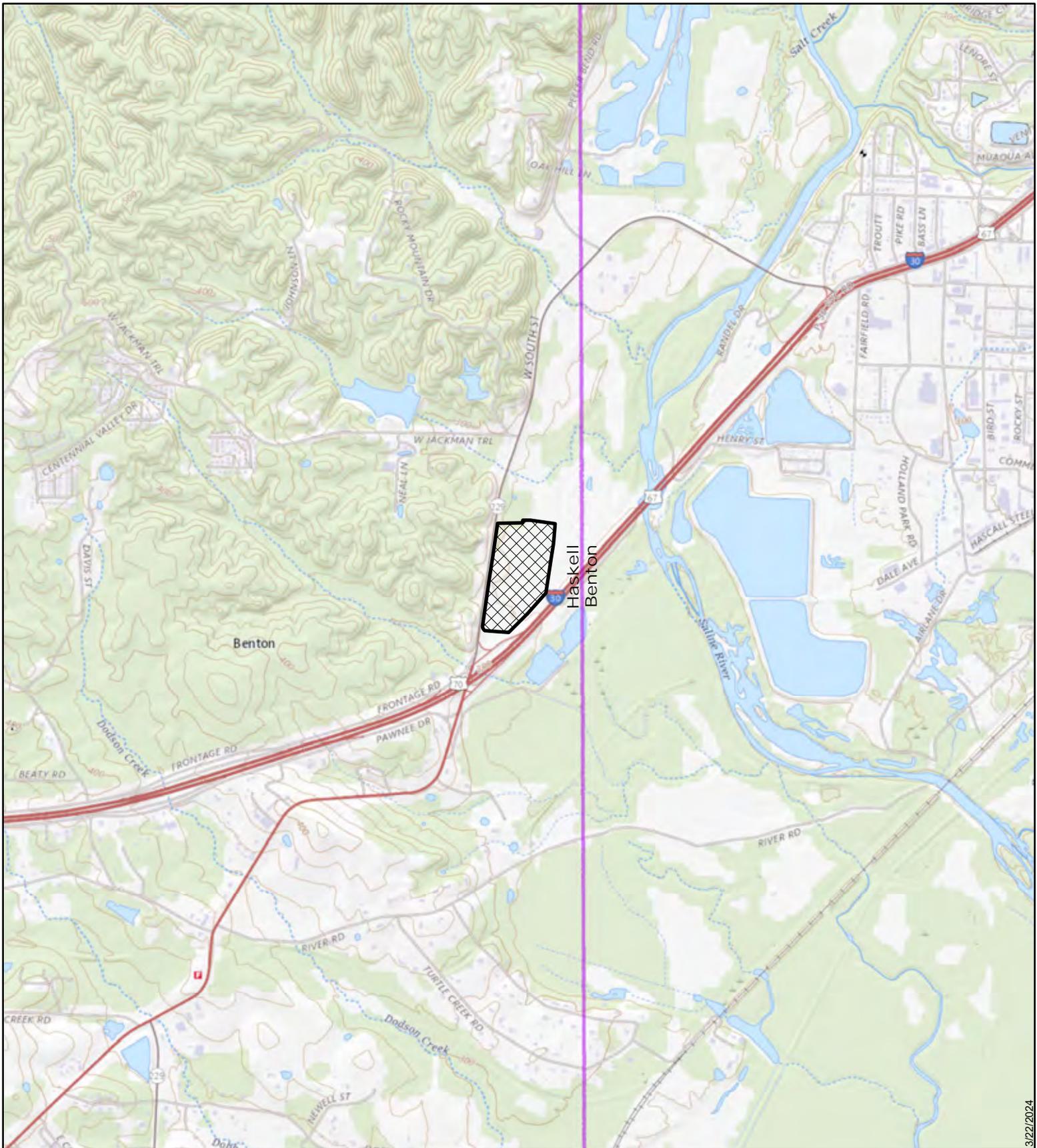
 Site Location



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Background: Microsoft Corporation and its data suppliers

Figure 1. Vicinity Map



Kimley Horn – Buc-ee's Section 404 Benton

2,000
 Feet

 Project Area

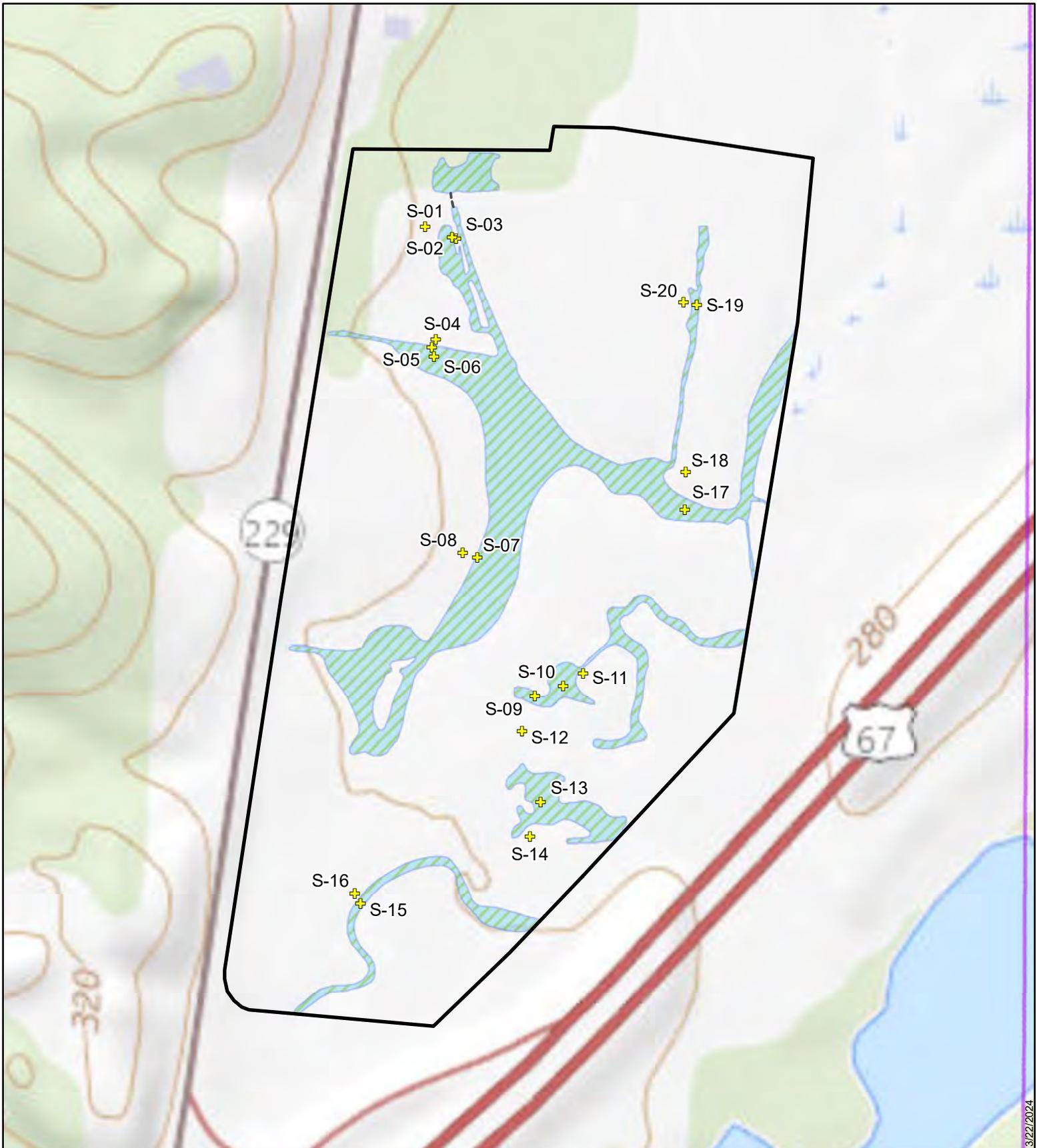


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Background: USGS TNM Topo basemap

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

3/22/2024



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250
Feet

- Project Area
- Project Wetlands
- Sample Points
- Culvert



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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 Haskell, AR (7.5-minute series).



Kimley Horn – Buc-ee's Section 404 Benton

250
Feet

Project Area
Project Wetlands

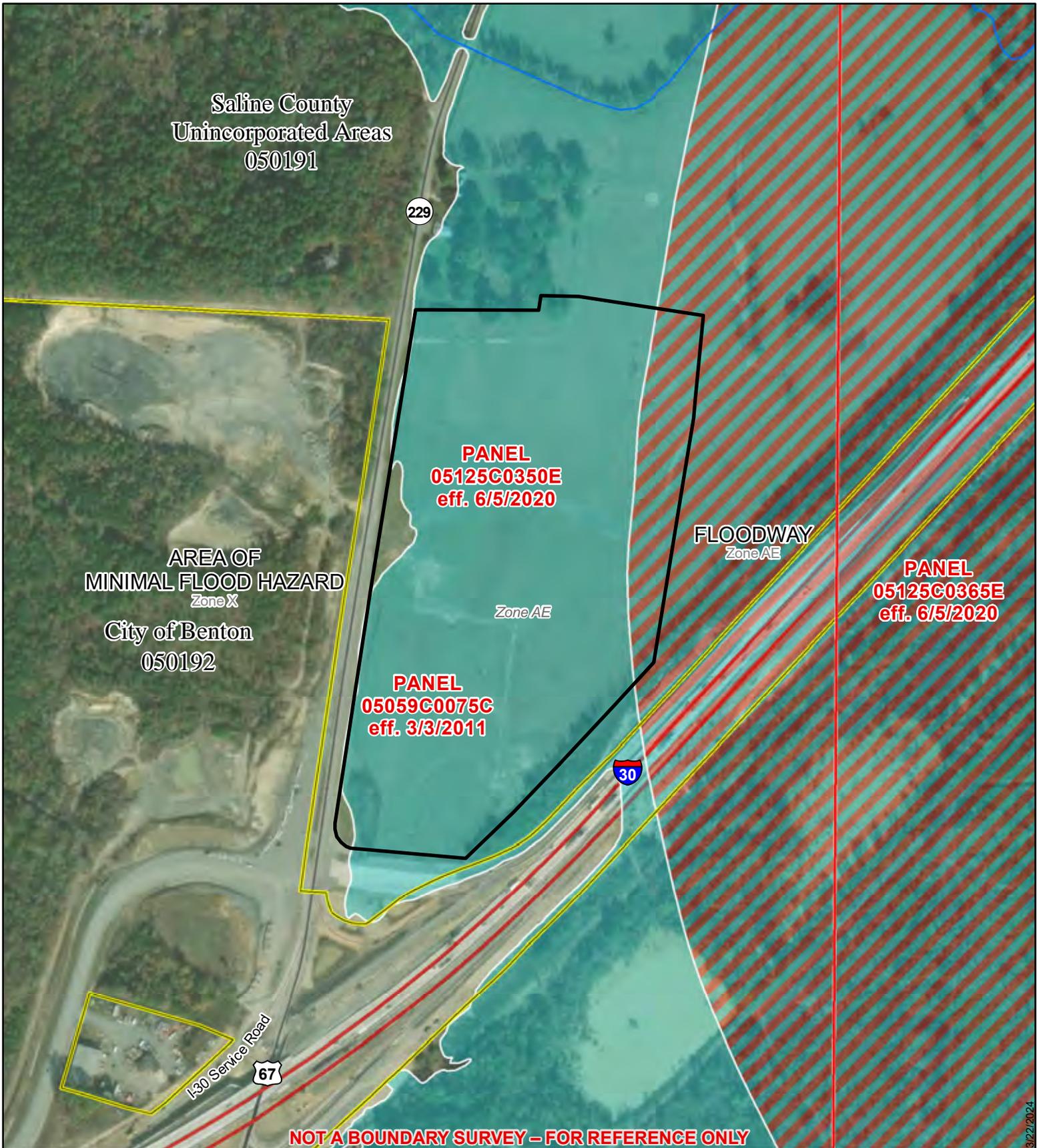
Sample Points
Culvert



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Background: Arkansas GIS Office; ESRI (Maxar)

Figure 4. Map showing project area details overlaid on 2022 aerial imagery via ESRI World Imagery service.



Kimley Horn – Buc-ee's Section 404 Benton

400
 Feet

FEMA layers shown are approximately located. Please see FEMA's Mapping Service Center for FIRMs.

Project Area

Flood Hazard Areas

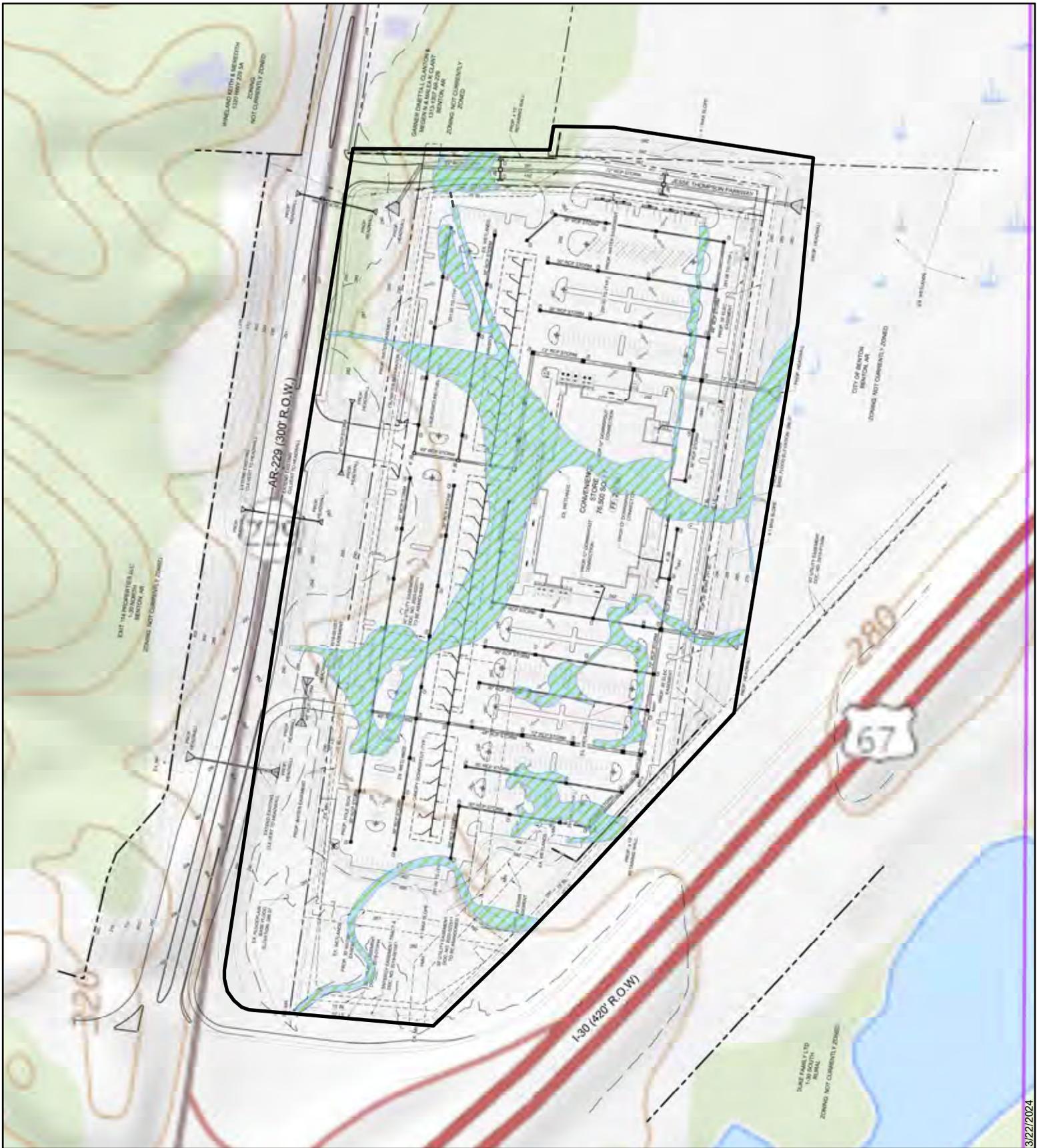
- Zone AE
- Zone AE, Floodway



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Background: Arkansas GIS Office; ESRI (Maxar); FEMA NFHL

Figure 5. Map showing project area details with FEMA's National Flood Hazard Layer data overlaid on 2022 aerial imagery via ESRI World Imagery service.



Kimley Horn – Buc-ee's Section 404 Benton

250
 Feet

- Project Area
- Project Wetlands

--- Culvert

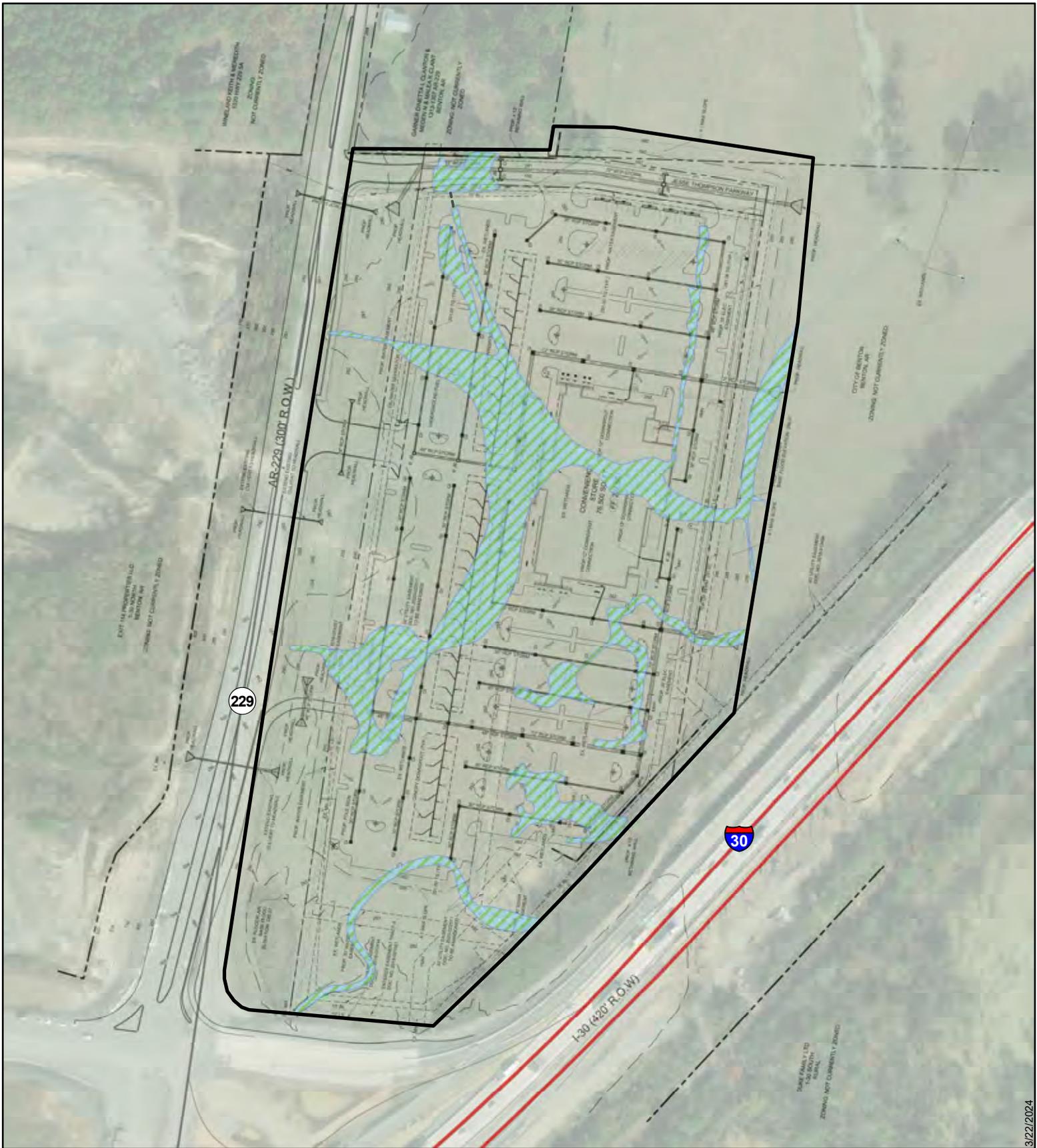


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Background: USGS TNM Topo basemap

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

3/22/2024



Kimley Horn – Buc-ee's Section 404 Benton

250
 Feet

-  Project Area
-  Project Wetlands

--- Culvert

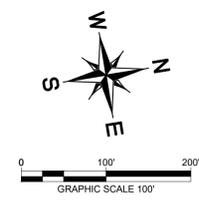
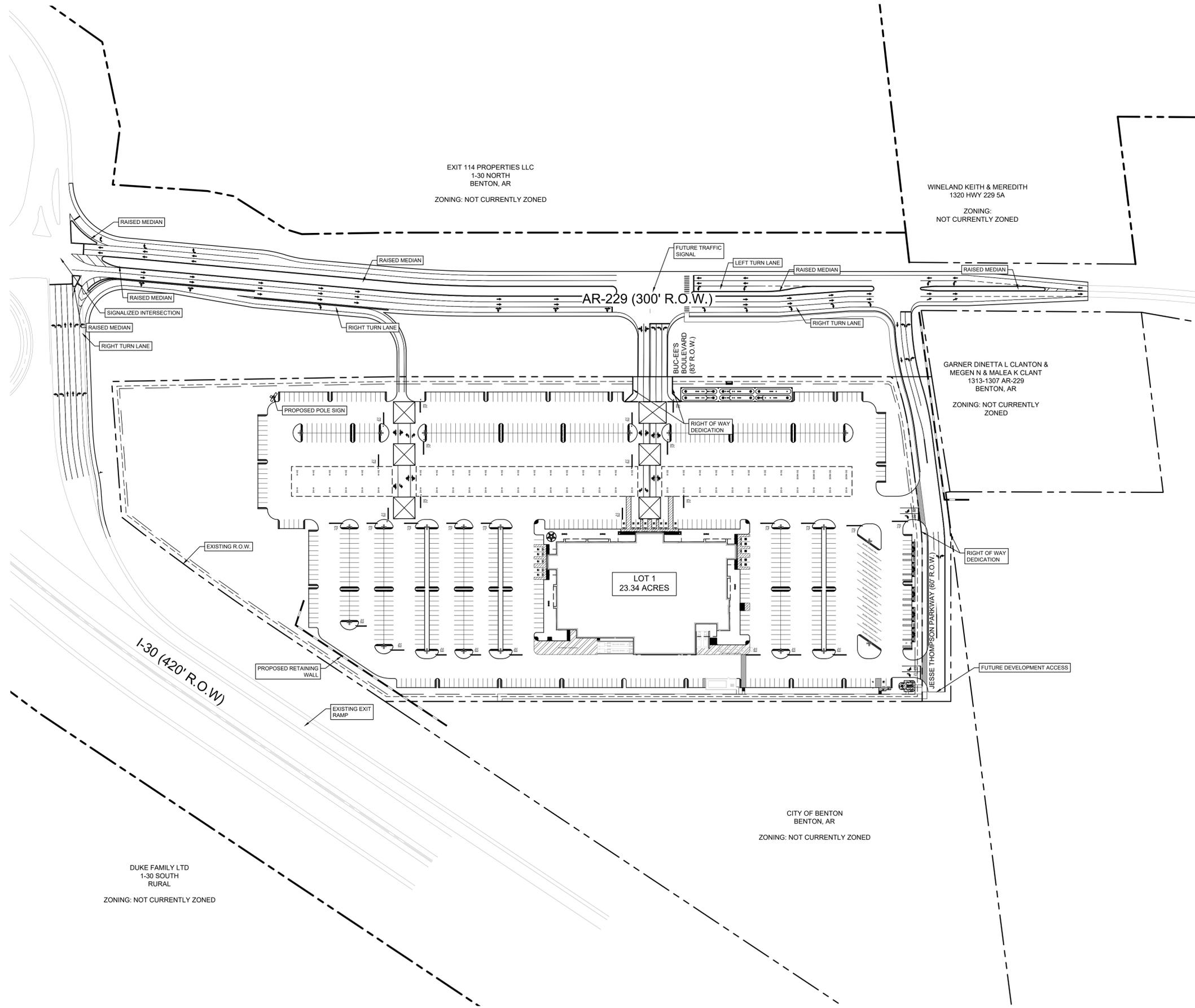


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Background: Arkansas GIS Office; ESRI (Maxar)

Figure 4. Map showing project area details overlaid on 2022 aerial imagery via ESRI World Imagery service.

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No.	REVISIONS	DATE	BY

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 PHONE: 214-617-0535
 WWW.KIMLEY-HORN.COM TX F-928

KHA PROJECT 06657008	DATE MARCH 2024	SCALE AS SHOWN	DESIGNED BY RCL	DRAWN BY KJA	CHECKED BY JCK
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SITE PLAN EXHIBIT
BENTON TRAVEL CENTER
 PREPARED FOR
BUC-EE'S, LTD.

ARKANSAS
 SALINE COUNTY

SHEET NUMBER
EXH