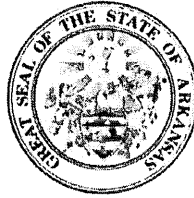




**US Army Corps  
of Engineers**

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



# Public Notice

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APPLICATION NO.:	<u>MVK-2017-765</u>
EVALUATOR:	<u>Ms. Samantha Thompson</u>
PHONE NO.:	<u>(601) 631-5478</u>
E-MAIL:	<u>Samantha.H.Thompson@usace.army.mil</u>
DATE:	<u>June 12, 2018</u>
EXPIRATION DATE:	<u>July 2, 2018</u>

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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 and / or fill material into waters of the United States.

Name of Applicant:  
Mr. Tom Reilly  
Highland Pellets South, LLC  
60 State Street, Suite 700  
Boston, Massachusetts 02109

Name of Agent:  
Mr. Greg Phillips  
GBMc & Associates  
219 Brown Lane  
Bryant, Arkansas 72022

Location of Work: Section 11, T15S- R19W, Latitude 33.44997, Longitude -93.030881, within the lower Red-Ouachita Drainage Basin (8-digit USGS HUC: 08040201), Ouachita 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 for activities conducted in jurisdictional areas associated with the construction of a manufacturing facility. The purpose of the proposed project is to manufacture

wood pellets to be used in coal fired power plants as fuel. The proposed work would involve the grading and filling of the land to construct the facility. The facility will have a rail line connecting to the existing main railroad line that borders the property to the east. Having a rail line connection will allow the pellets to be distributed to the power plants with greater efficiency than trucking the material. The facility would also create new jobs in the Ouachita County area and provide a new source of tax revenue.

The project site contains a total of 14.95 acres of wetlands and 12,399 linear feet of streams. The proposed project would fill 2.97 acres of jurisdictional wetlands and 3,297 linear feet of ephemeral stream, and culvert 789 linear feet of ephemeral stream. Approximately 3,282.8 cubic yards of clean earthen fill and 52.1 cubic yards of concrete would be used for the project.

The vegetative communities within the project area are dominated by red oak, swamp chestnut oak, mockernut hickory, tulip tree, sweetgum, American holly, slender woodoats, water oak, ironwood, red maple, willow oak, persimmon, hop sedge, shallow sedge, and sugarcane plumegrass. Soils within the project site consist of Amy association, bibb soils, and kirvin and cahaba fine sandy loam.

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, state 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 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.

**Endangered Species:** Our initial finding is that the proposed work would have no effect on the following threatened and endangered species or their critical habitats: Pink mucket mussel and Rabbitsfoot mussel.

**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.

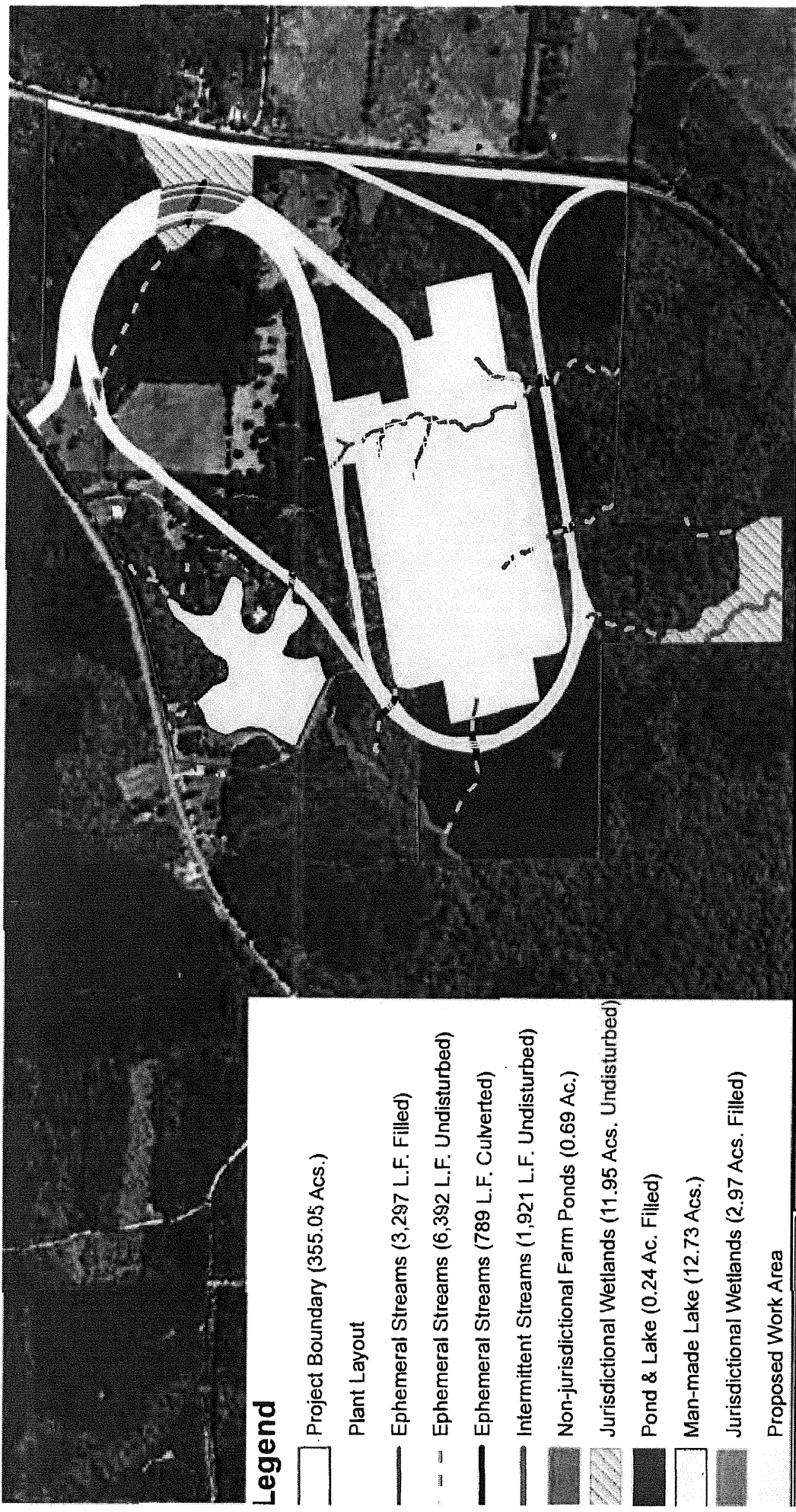
**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which 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.

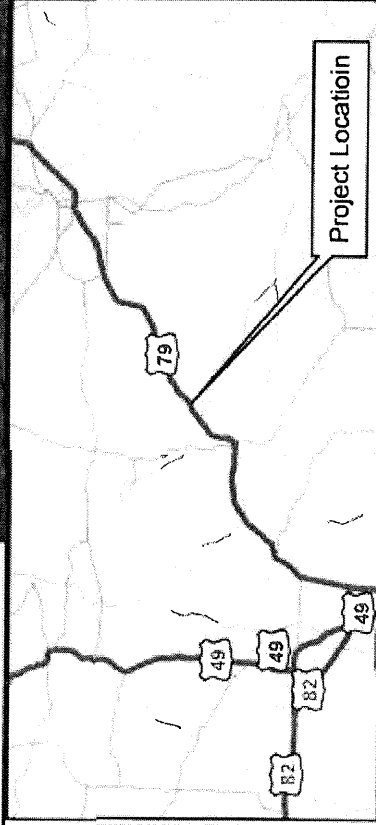
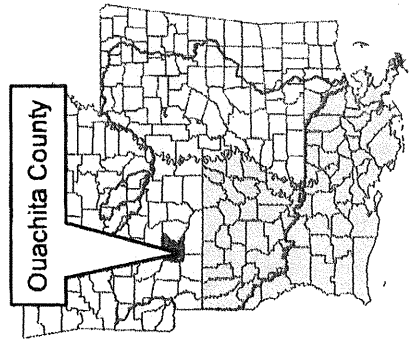
**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

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



**Legend**

-  Project Boundary (355.05 Acs.)
-  Plant Layout
-  Ephemeral Streams (3,297 L.F. Filled)
-  Ephemeral Streams (6,392 L.F. Undisturbed)
-  Ephemeral Streams (789 L.F. Culverted)
-  Intermittent Streams (1,921 L.F. Undisturbed)
-  Non-jurisdictional Farm Ponds (0.69 Ac.)
-  Jurisdictional Wetlands (11.95 Acs. Undisturbed)
-  Pond & Lake (0.24 Ac. Filled)
-  Man-made Lake (12.73 Acs.)
-  Jurisdictional Wetlands (2.97 Acs. Filled)
-  Proposed Work Area



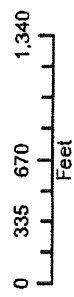
THERE ARE JURISDICTIONAL WATERS OF THE U.S. IDENTIFIED WITHIN THE PROPOSED PROJECT BOUNDARY. THIS A PERMIT MAYBE REQUIRED.



US Army Corps of Engineers



**Regulatory Branch**  
Enforcement Section



Prepared By: Arel Simpson  
Enclosure 1

April 27, 2018

**MVK-2017-765**

Highland Pellets South, LLC  
GBMc & Associates  
Ouachita County, AR

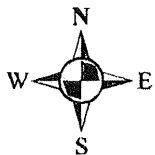
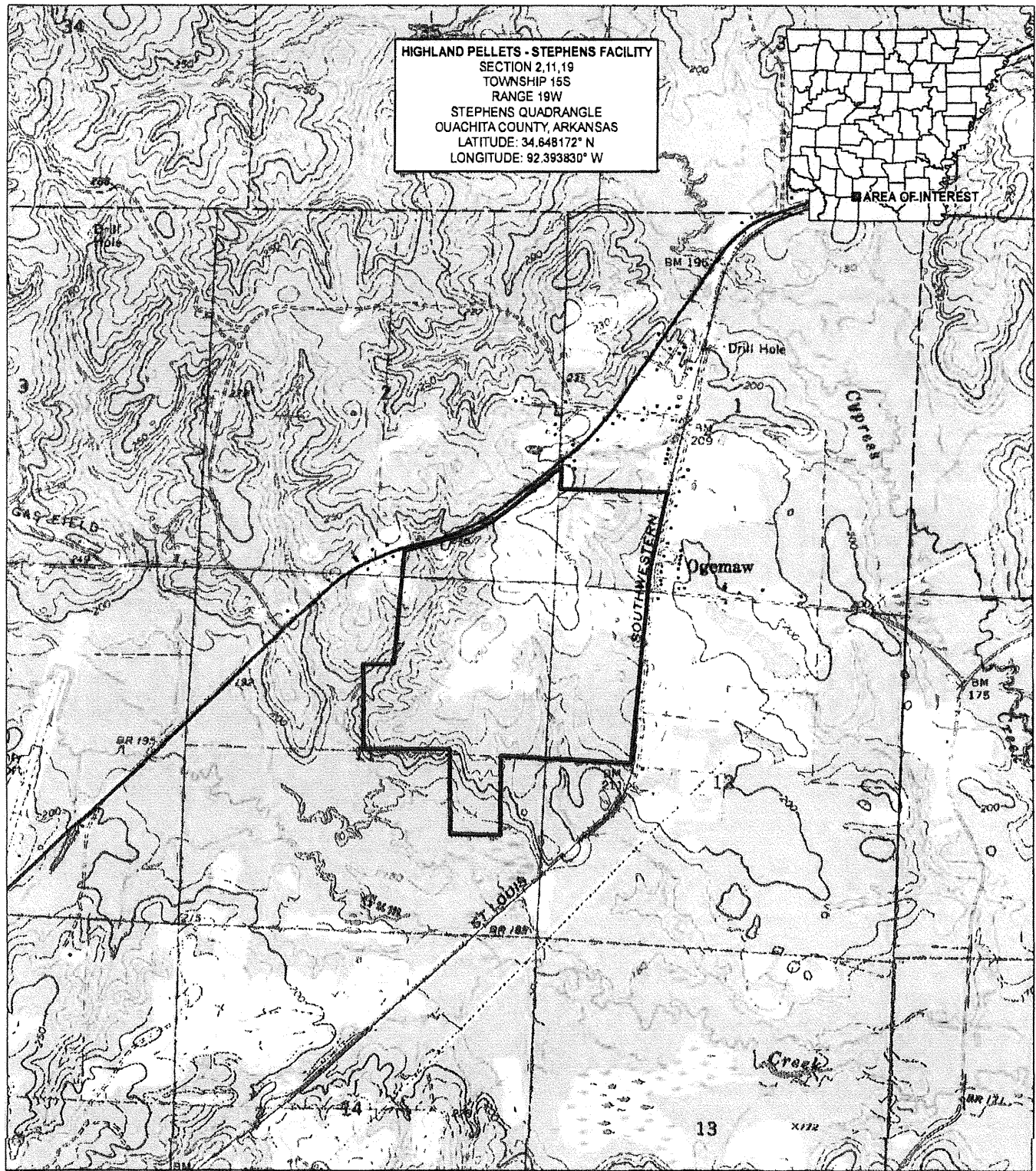
Preliminary  
Jurisdictional Determination

Aerial Imagery:  
ESRI World Imagery

HIGHLAND PELLETS - STEPHENS FACILITY  
 SECTION 2, 11, 19  
 TOWNSHIP 15S  
 RANGE 19W  
 STEPHENS QUADRANGLE  
 QUACHITA COUNTY, ARKANSAS  
 LATITUDE: 34.648172° N  
 LONGITUDE: 92.393830° W



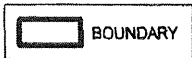
AREA OF INTEREST



0.5



MILES



3117.000.G1

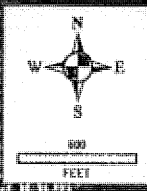
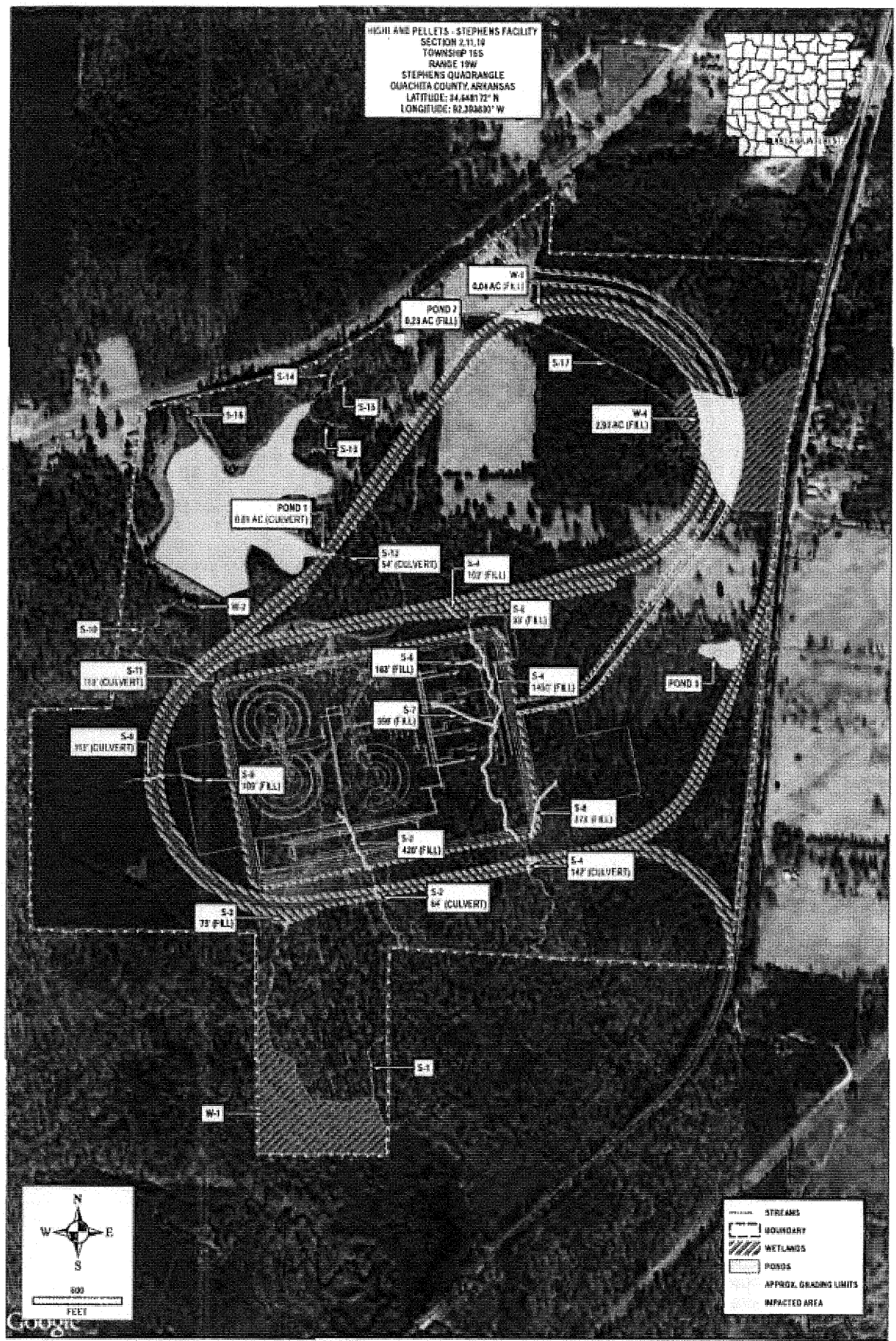
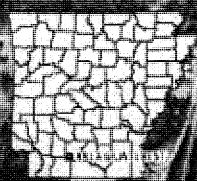
TOPOGRAPHIC  
 LOCATION MAP  
 HIGHLAND PELLETS  
 STEPHENS, ARKANSAS

Approved by: TLG  
 Checked by: TLG  
 Drawn by: IT



Project No.: 3117-16-300  
 Date: 08/30/2017  
 Scale: SHOWN

HIGHLAND PELLETS - STEPHENS FACILITY  
 SECTION 2, T19  
 TOWNSHIP 18S  
 RANGE 19W  
 STEPHENS QUADRANGLE  
 CLAY COUNTY, ARKANSAS  
 LATITUDE: 34.648172° N  
 LONGITUDE: 92.396637° W



	STREAM CHANNEL
	BOUNDARY
	WETLANDS
	PONDS
	APPROACH/GRADING LIMITS
	IMPACTED AREA

NO.	DATE	REVISION	BY	CHK.	APPR.

**GBM<sup>c</sup>**  
 CONSULTING ENGINEERS  
 211 E. Main, Little Rock, Arkansas 72202

AERIAL PHOTOGRAPHY  
 SITE MAP

JURISDICTIONAL WATERS  
 OF THE UNITED STATES  
 HIGHLAND PELLETS  
 STEPHENS, ARKANSAS

PROJECT NO.	3117-14-100
DATE	06/17/2017
SHEET	014 OF 01
STATUS	SHOWN