

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2018-417

NOTICE DATE:
March 7, 2019

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **April 5, 2019**

Joint Public Notice

U.S. Army Corps of Engineers and State of Arkansas

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT:

Slavic A. Glowczynski
Delaware North
250 Delaware Avenue
Buffalo, NY 14202
(716) 858-6200

AGENT:

Ben S. Day
Tioga Environmental Consultants, Inc.
357 N. Main Street
Memphis, TN 38103
(901) 791-2432

PURPOSE: The purpose of the proposed project is to expand Southland Gaming to include a new 20-story hotel/casino and other customer services.

LOCATION: The project site is located in Section 5, Township 6N, Range 9E, in West Memphis, Crittenden County, Arkansas, at approximate Latitude 35.16116° and Longitude -90.16278° on the West Memphis 7.5 minute quadrangle map (Attachments 1 and 2).

DESCRIPTION OF WORK: The applicant proposes to fill approximately 1,760 linear feet of an unnamed tributary. The existing tributary is approximately 8 feet deep and has an approximately 5-foot wide ordinary high water mark. The tributary has a vegetative buffer along both sides. A new tributary that will total approximately 3,015 linear feet would be created on-site to replace the existing tributary (Attachment 3).

AVOIDANCE/MINIMIZATION: According to the applicant, to the extent possible the new facilities were limited in their northward development to limit impact to the tributary. Avoiding the tributary completely would not allow him to meet his purpose of expanding the existing facilities.

MITIGATION: The applicant proposes to mitigate impacts to 1,760 linear feet of tributary by creating a new tributary that will total approximately 3,015 linear feet. The applicant has proposed a 25-foot buffer along both sides of the new tributary.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341 (a)(1) of the Clean Water Act and all state laws and regulations promulgated pursuant thereto. This certification or evidence of the water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of

Engineers evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal. However, this notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS). Any comments USFWS may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District consulted the online Arkansas site file prior to issuance of this public notice. As a result of the file search, the Memphis District is requiring a cultural resource survey of the proposed permit area. Additionally, we will consider input from the public, the Arkansas Historic Preservation Program, and Tribal entities in our final decision.

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 public notice and notify this office of any floodplain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on 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 activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the project, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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; federally recognized 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.

PUBLIC HEARING: 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 a public hearing shall state, with particularity, the reason 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. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice.

This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District, and the Arkansas Department of Environmental Quality. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Mitch Elcan
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

State Permits Branch, Water Division
Arkansas Department of Environmental Quality
ATTN: Melanie Treat
5301 North Shore Drive
North Little Rock, Arkansas 72118
E-mail: treat@adeq.state.ar.us
phone: (501) 682-0040

The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link:

http://corpsmapu.usace.army.mil/cm_apex/f?p=340:1:0::NO. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the **“Pending IP”** tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.

Gregg W. Williams
Chief
Regulatory Branch

Attachments



West Memphis TN-AR Quadrangle, 2017



Tioga

ENVIRONMENTAL CONSULTANTS

JURISDICTIONAL WATERS DELINEATION
SOUTHLAND EXPANSION

DESCRIPTION:
TOPOGRAPHIC MAP

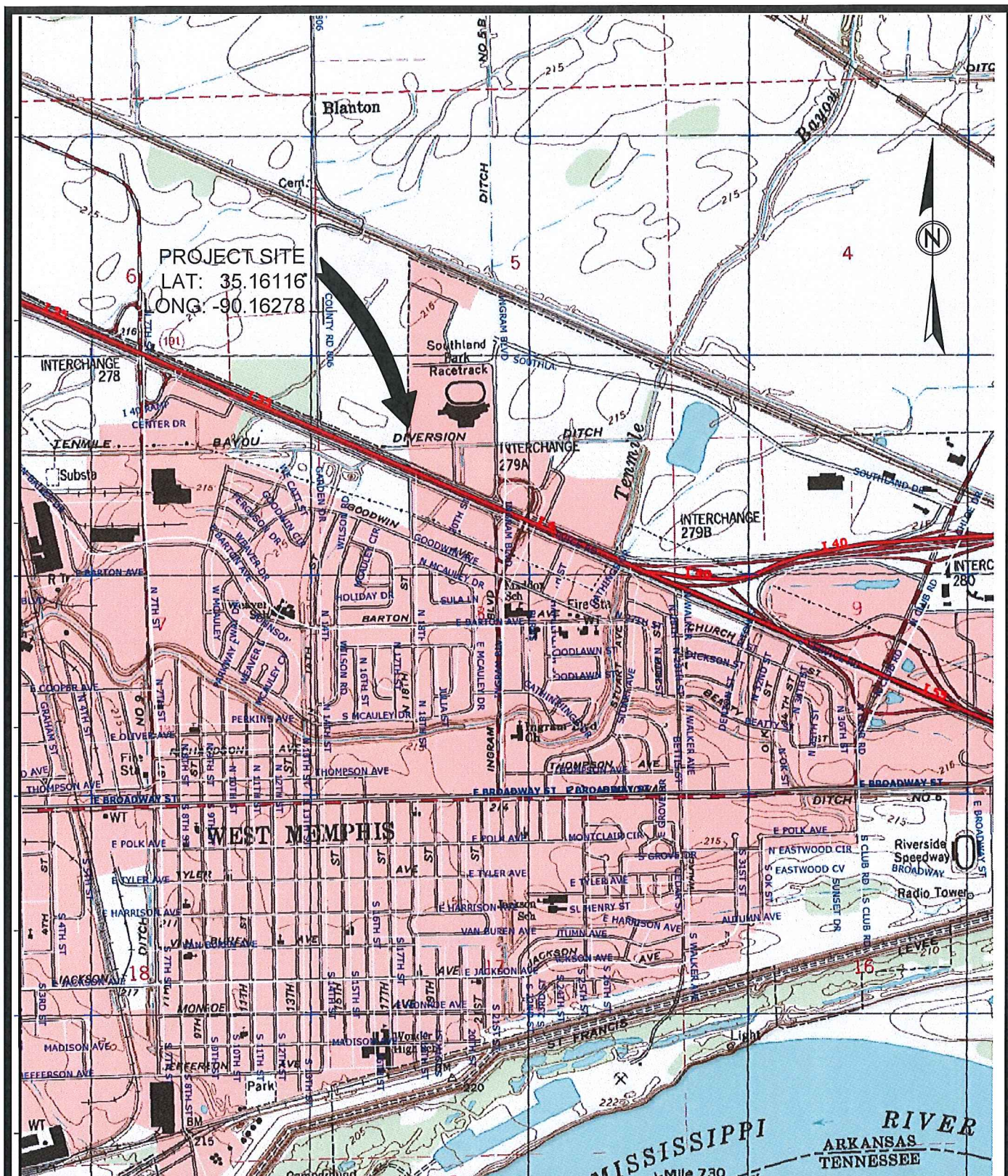
PROJECT #:
54916.00

LOCATION:
WEST MEMPHIS, AR

DATE:
OCTOBER 2018

1

ATTACHMENT 1



SOUTHLAND PARK GAMING AND RACING
1550 NORTH INGRAM BLVD
CRITTENDEN COUNTY, WEST MEMPHIS, AR

STREAM RELOCATION
VICINITY MAP

MP
MACHADO | PATANO
ENGINEERING

CIVIL
ELECTRICAL
MECHANICAL
ARCHITECTURE
SURVEYING
 918 Howard Ave
 Biloxi, Mississippi 39530
 O: 228.388.1950 | F: 228.388.1971
 www.mpeng.us

SCALE: 1:24,000
 PROJECT NO: 0227.18.001
 DATE: 2/19/2019
 DRAWN BY: RCP
 CHECKED BY: NWM
 SHEET NO.:
VM-1
 SHEET 1 OF 11

ATTACHMENT 2



SOUTHLAND PARK GAMING AND RACING
1550 NORTH INGRAM BLVD
CRITTENDEN COUNTY, WEST MEMPHIS, AR

PROPOSED STREAM
PLAN VIEW

MP
MACHADO | PATANO
ENGINEERING

☐ CIVIL
☐ ELECTRICAL
☐ MECHANICAL
☐ ARCHITECTURE
☒ SURVEYING
 918 Howard Ave
 Biloxi, Mississippi 39530
 O: 228.388.1950 | F: 228.388.1971
www.mpeng.us

| | |
|-------------|-------------|
| SCALE: | 1" = 250' |
| PROJECT NO: | 0227.18.001 |
| DATE: | 2/19/2019 |
| DRAWN BY: | RCP |
| CHECKED BY: | NWM |
| SHEET NO.: | PV-4 |
| SHEET | 6 OF 11 |

ATTACHMENT 3