



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL-2015-00364

Date: March 3, 2016

Comments Due: March 28, 2016

TO WHOM IT MAY CONCERN: Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the project manager, Lisa Boyle, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Lisa.A.Boyle@usace.army.mil

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Mr. Rob Coleman
Ernest R. Coleman Building Company (ERC)
4107 Massard Road
Fort Smith, Arkansas 72903**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with construction of the Providence Residential Subdivision. The proposed project is approximately 55 acres in size and located in four unnamed tributaries to Massard Creek and two associated wetlands, in sections 5 and 6, T. 7 N., R. 31 W., Fort Smith, Sebastian County, Arkansas.

The basic purpose of the project is to provide housing. The overall purpose of the project is a residential development including approximately 98 lots for single-dwelling homes in the Chaffee Crossing area of Fort Smith. The project is not water dependent.

The project would proceed in two phases. Phase 1 consists of 52 lots and three proposed streets, while Phase 2 consists of 46 lots and an additional three proposed streets. The project would include road and trail construction, along with residential structures. Impacts to waters of the United States include piping approximately 778 linear feet of intermittent channel via a 36-inch-diameter pipe for channel INT-02 and a 48-inch-diameter pipe for channel INT-01, filling and relocating via natural channel design approximately 1,143 linear feet of intermittent channel, filling approximately 69 linear feet of ephemeral channel, and filling approximately 0.06 acres of wetlands. Impacts are detailed on Figure 5 of 9.

The project site is a portion of the development zone known as Chaffee Crossing. This approximately 7,000-acre parcel of land was turned over to the state when the former Fort Chaffee was recommended for closure in 1995 by the Base Realignment and Closure Commission. The redevelopment plan includes a mixture of residential, commercial, and industrial projects.

Current site conditions are that the area is experiencing rapid development. A new road is located along the southern edge of the proposed project, and a utility line traverses the property. The area containing the impacted streams and wetlands is a narrow riparian forest habitat. The remainder of the site is uplands and varies from forested to exposed nonvegetated soil.

The applicant minimized impacts to the project area via relocating a portion of the waters onsite to an open channel with a natural bottom. Additional minimization techniques (i.e. avoiding the channels partially or entirely) were rejected by the applicant as rendering the project not economically viable. The applicant proposes to mitigate unavoidable impacts to waters of the United States via onsite mitigation of the relocated intermittent channel and off-site restoration of a degraded channel near Chaffee Boulevard on Fort Chaffee Redevelopment Authority property. The Little Rock District Stream Method would be used to calculate credits needed.

The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification will be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area.

Endangered Species. The applicant is contracting a study to determine whether impacts would occur to the federally endangered American Burying Beetle (*Nicrophorus americanus*). A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 CFR Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit, which involves the discharge of dredged, or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **March 28, 2016**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in 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 proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal 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; Indian 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.

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 public hearings shall state, with particularity, the reasons 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.

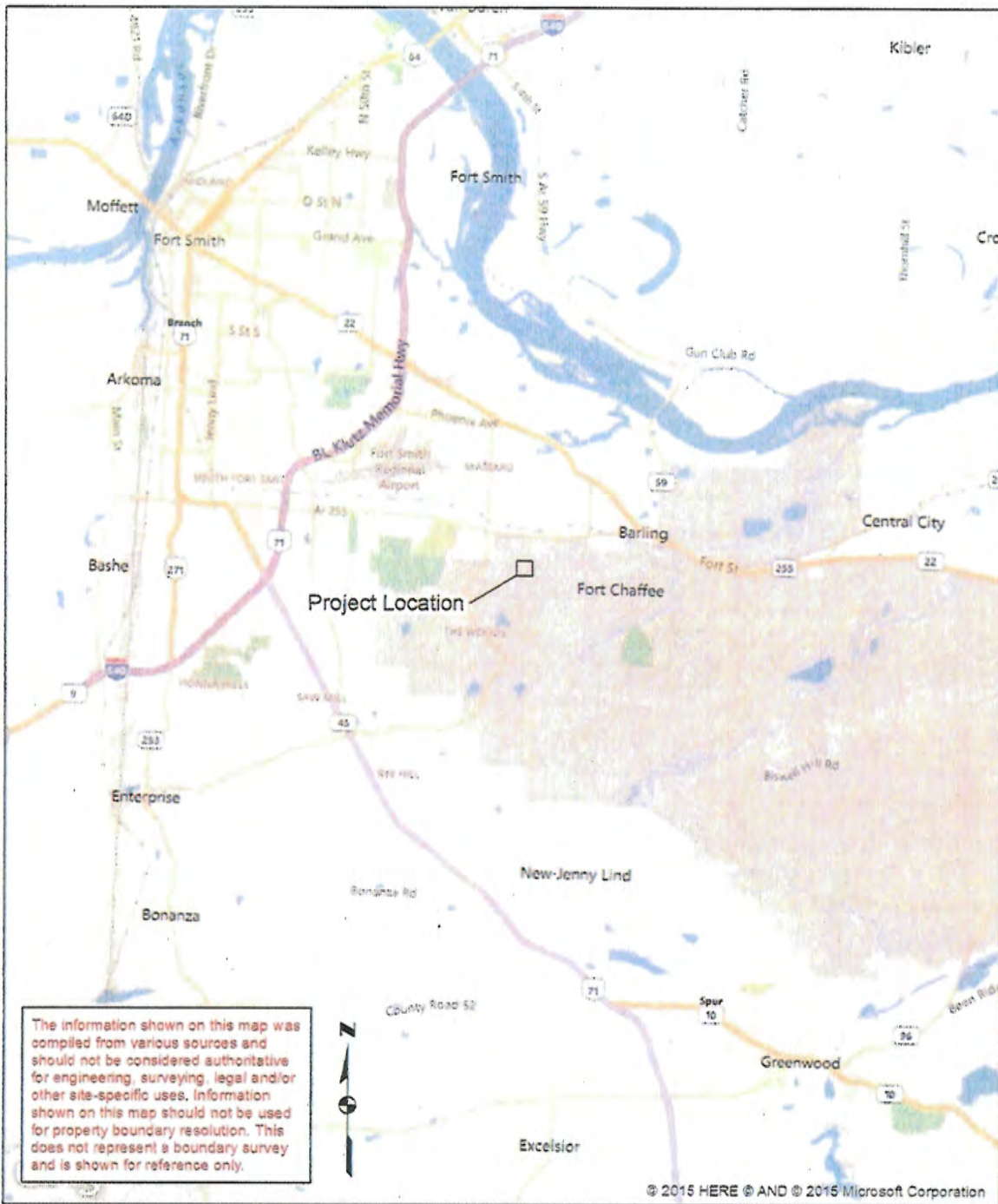
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: **35.316°N** Longitude: **-94.332°W**

UTM Zone: **15** North: **3908932** East: **378899**



0 2 4 Miles

By: JWM
 Date: October, 2015
 Project No.05830-1075-001

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Figure 1. Vicinity map.

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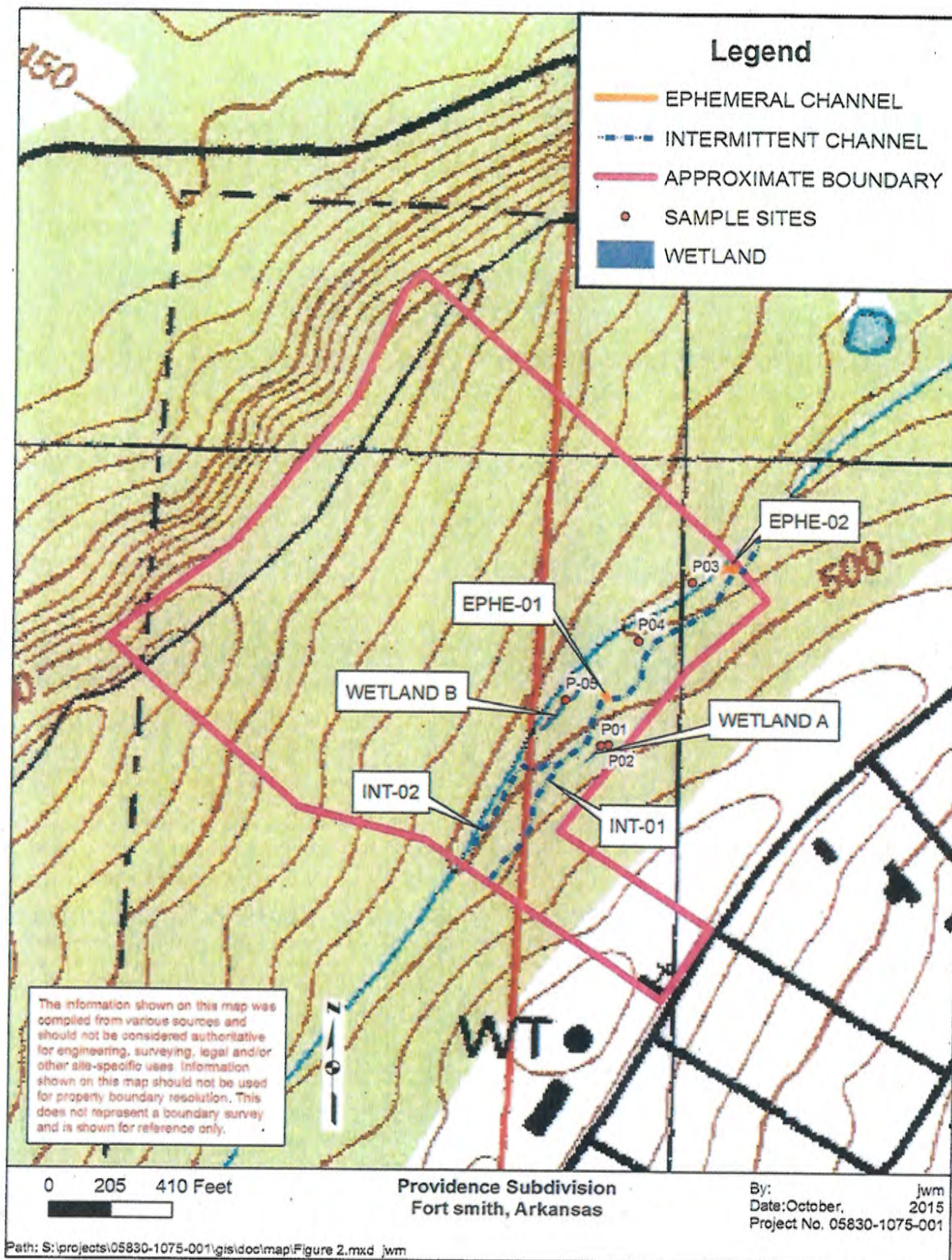


Figure 2. Map showing overview of project area based on USGS topographic quadrangle Barling, ARK (7.5-minute series).

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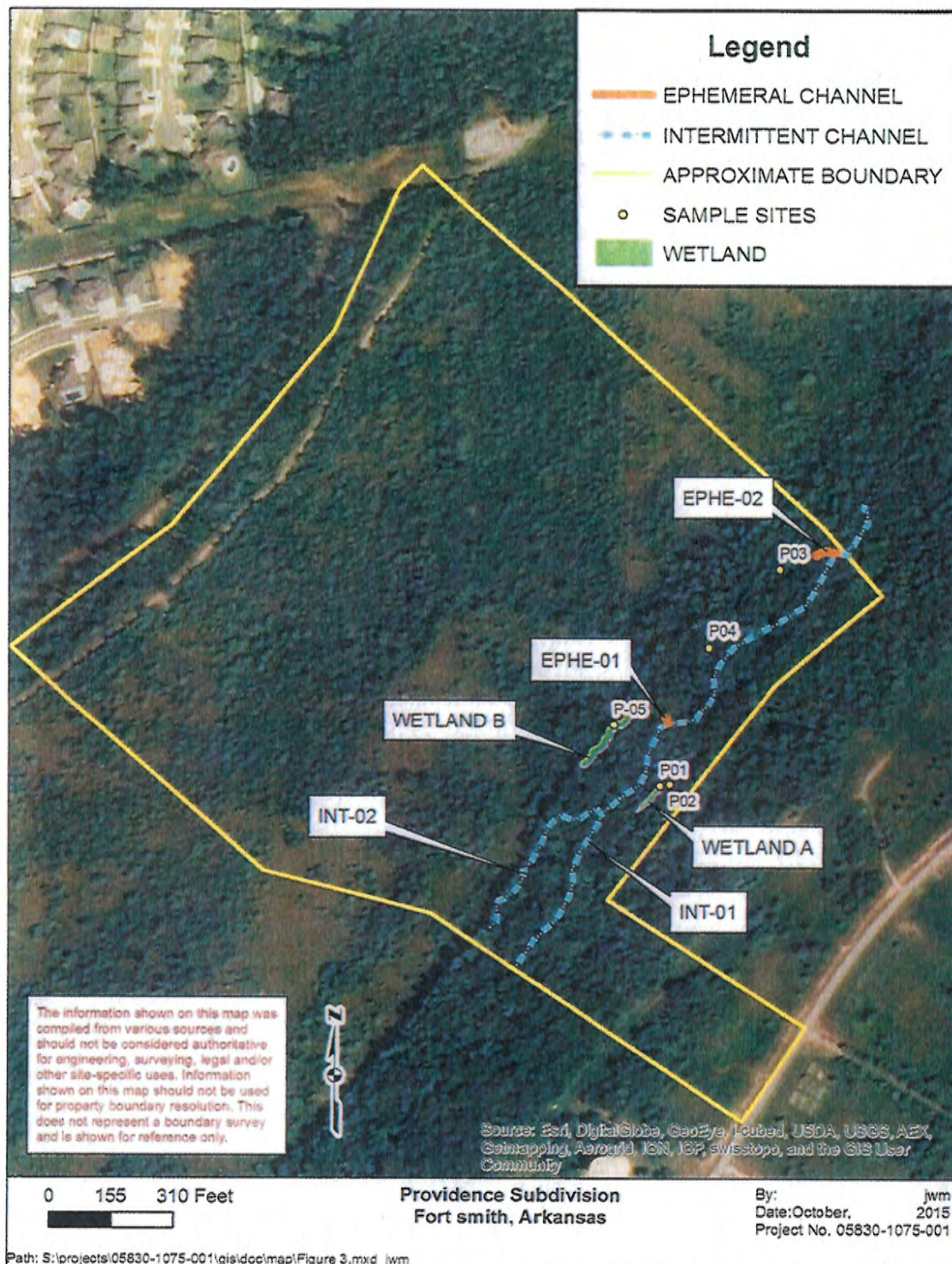


Figure 3. Aerial map showing project area details.

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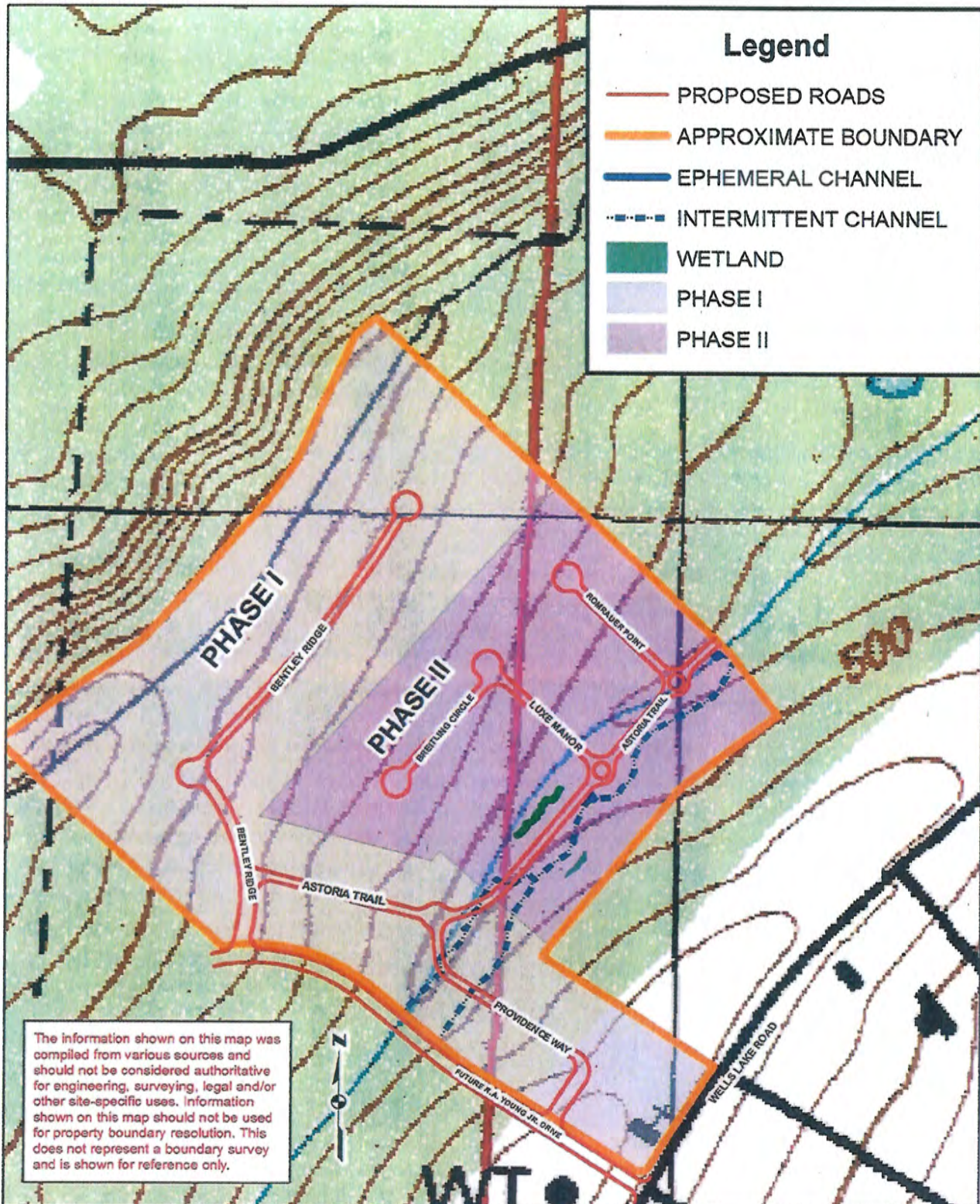
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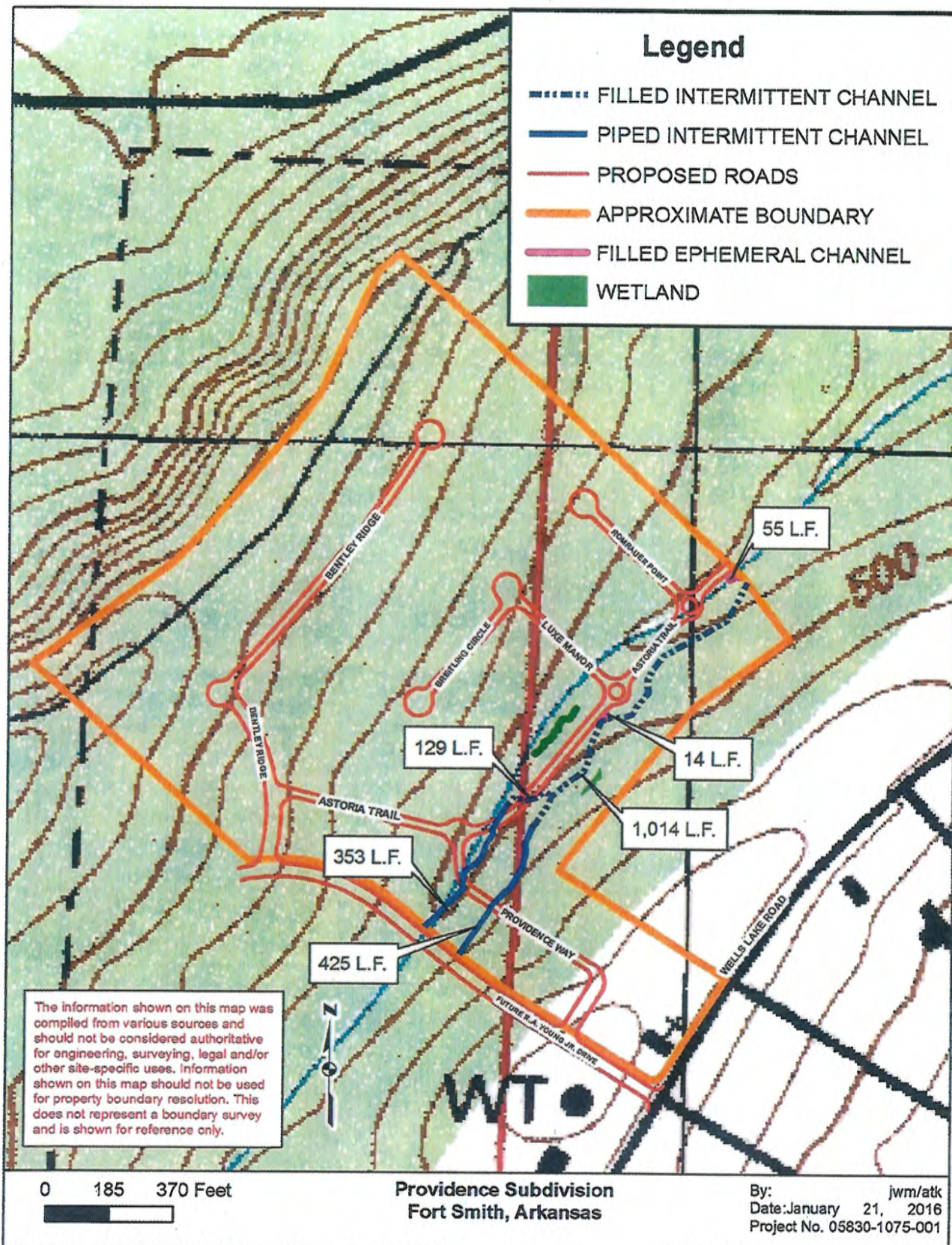
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WIND SPEED	GUST	WAVE HEIGHT	WAVE PERIOD
10	15	1.0	10
15	25	1.5	15
20	35	2.0	20
25	45	2.5	25
30	55	3.0	30
35	65	3.5	35
40	75	4.0	40
45	85	4.5	45
50	95	5.0	50
55	105	5.5	55
60	115	6.0	60
65	125	6.5	65
70	135	7.0	70
75	145	7.5	75
80	155	8.0	80
85	165	8.5	85
90	175	9.0	90
95	185	9.5	95
100	195	10.0	100

GRAPHIC SCALE IN FEET

0 100

STANDARD IS EIGHT TWO

CERTIFICATE OF AUTHENTICATION
CONFIDENTIAL
EX-39
JAN 21 1964
FBI - NEW YORK

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MEMBERSHIP: 11/19/2011
 SUB-POLY: 11/19/2011
 ORDER: 11/19/2011
 ORDER ID: 11/19/2011

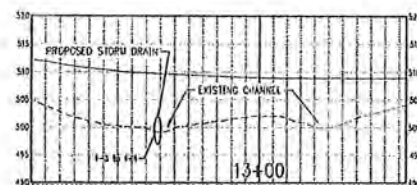
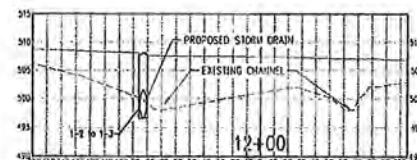
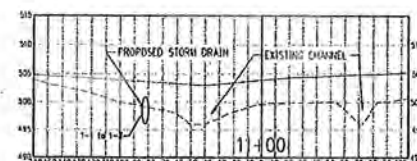
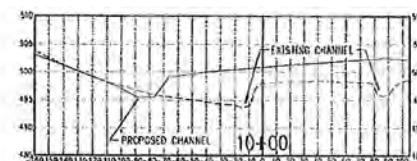
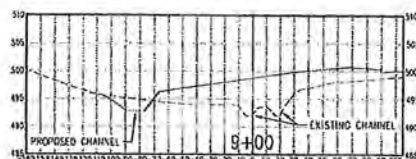
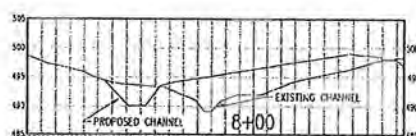
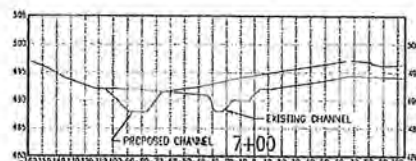
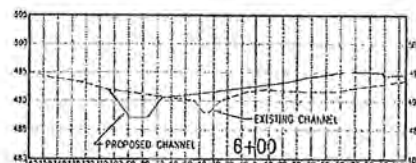
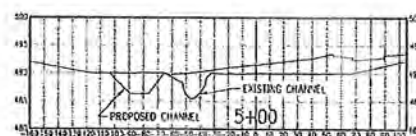
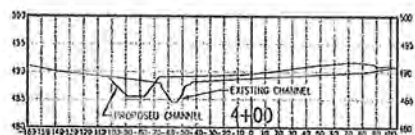
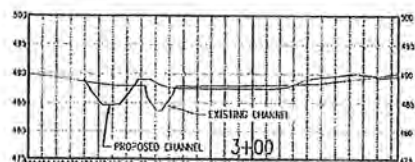
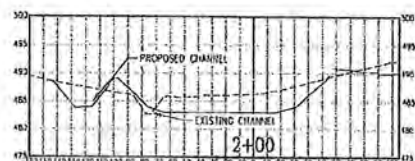
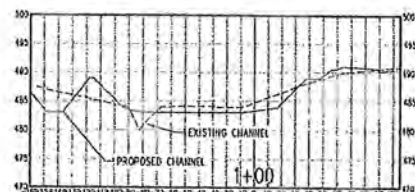
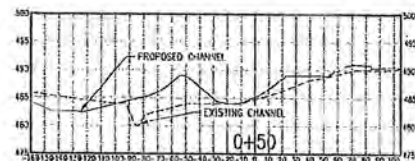
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PRELIMINARY PLAT

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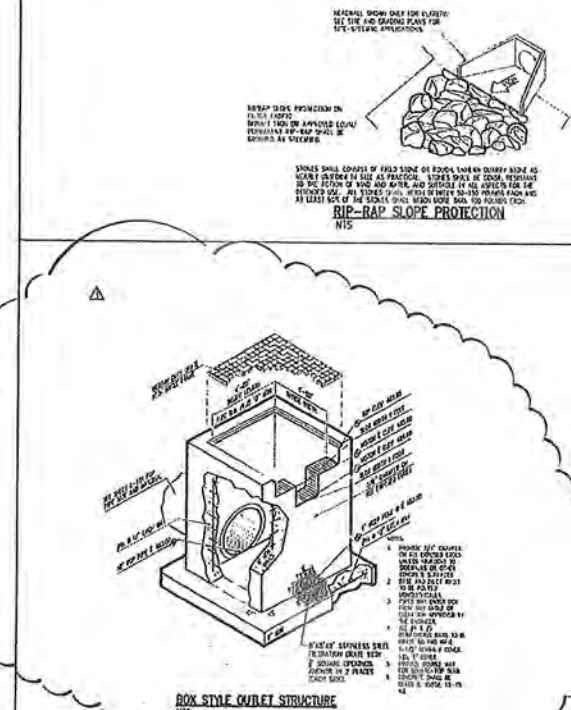
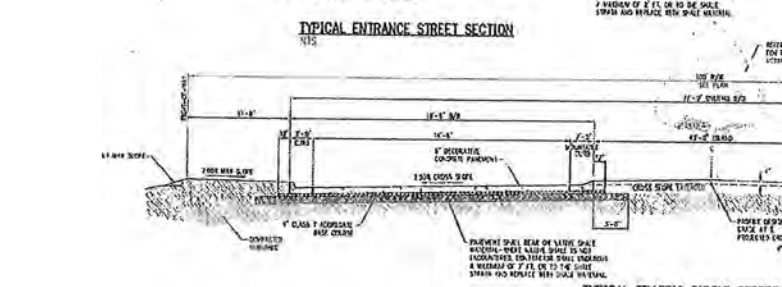
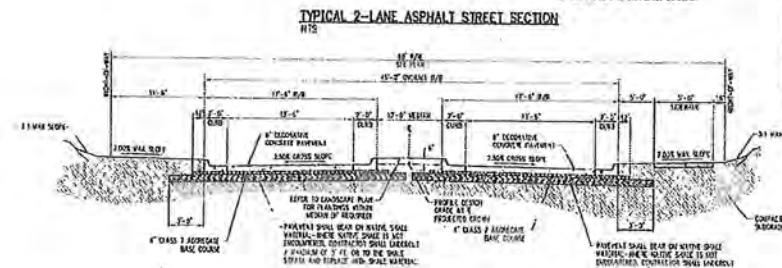
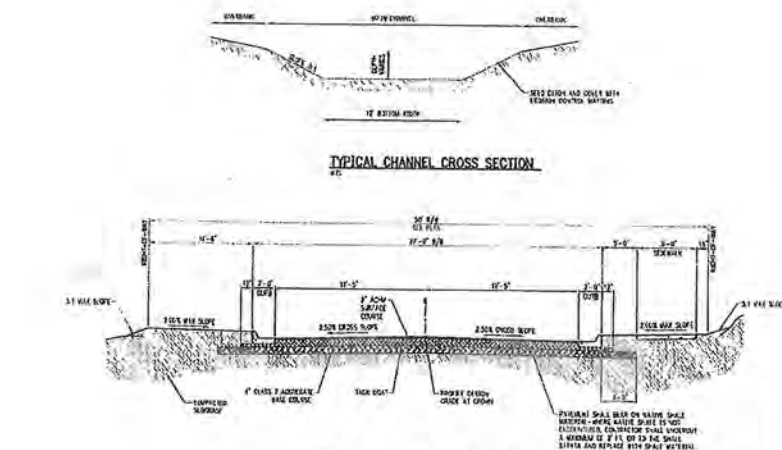
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Figure 1. Proposed permittee responsible mitigation.

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