



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATE OF ARKANSAS*

**Application Number: SWL-2017-00014**

**Date: January 11, 2018**

**Comments Due: February 5, 2018**

---

**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 regulator, Aaron Howell, telephone number: (501) 340-1379, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [Aaron.W.Howell@usace.army.mil](mailto:Aaron.W.Howell@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. Jim Hastings  
Diamond Development II  
1890 Lawson Road  
Little Rock, AR 72210**

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States (WOUS) associated with a proposed residential development site. The proposed project is located in an unnamed tributary of Owen Creek along with jurisdictional wetlands, in the SW 1/4 of section 12, T. 1 S., R. 14 W., Bryant, Saline County, Arkansas.

The basic purpose of the project is to provide housing through a residential development. The overall purpose of the project is to prepare lots for the Creekside Addition, Phase I, that will include clearing vegetation, ground leveling, road construction, establishment of utilities, and discharge of fill material into WOUS. The onsite activities to accomplish this will result in wetland impacts at the site totaling approximately 5.87 acres and stream impact totaling approximately 137 linear feet. The project is not water dependent.

The existing condition of the project site consists of portions of the project area that have already been cleared, construction of a road, construction of a stormwater pond, installation of some utilities, and dirt work. Please be aware that these activities have been conducted prior to receiving a Department of the Army Permit.

The applicant stated that they have taken significant steps in order to avoid/minimize impacts to jurisdictional waters. The original site plan called for impacting the entirety of the project area that consisted of approximately 10.79 acres of wetlands and 977 linear feet of the unnamed tributary to Owen Creek, as previously submitted to USACE in the initial delineation report dated April 4, 2017. The current site plans have reduced the impacts to approximately 5.87 acres of wetlands and only 137 linear feet of the ephemeral stream. The reduction of impacts was done by removing some potential lots as well as reducing the size of other lots on the project site.

As some work had already begun on the site, the applicant feels that it was not practicable to avoid all impacts by proposing an entirely new location for the residential development project.

The applicant is committed to providing adequate compensation for the impacts to jurisdictional waters through a combination of purchasing credits through an approved mitigation bank and permittee-responsible on-site mitigation.

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. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. 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 Code of Federal Regulations (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 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 **February 5, 2018**. 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

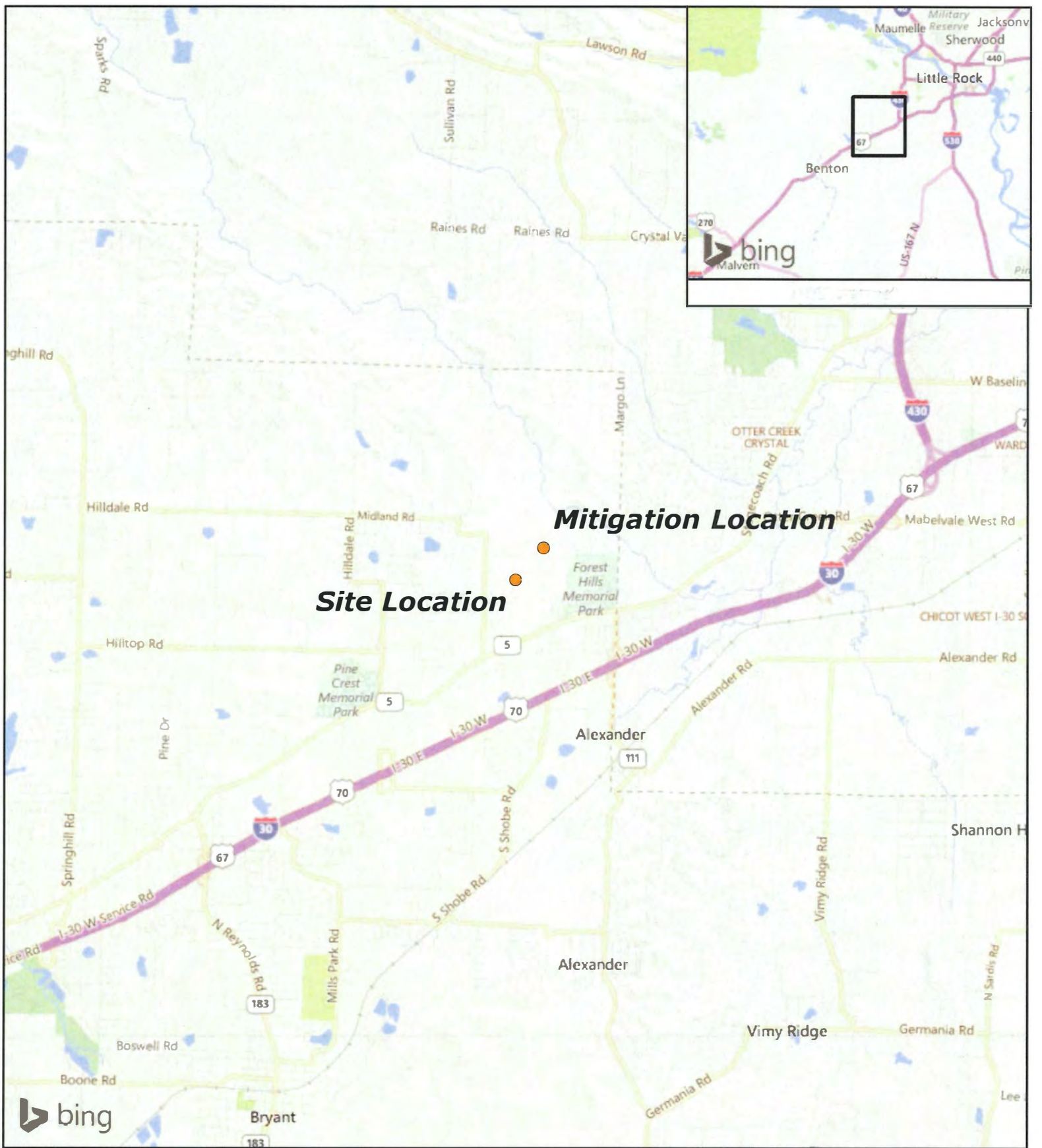
Latitude: **34.6498**

Longitude: **-92.46156**

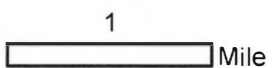
UTM Zone: **15N**

North: **34340.2**

East: **49342.2**



**Creekside**



● Site Locations



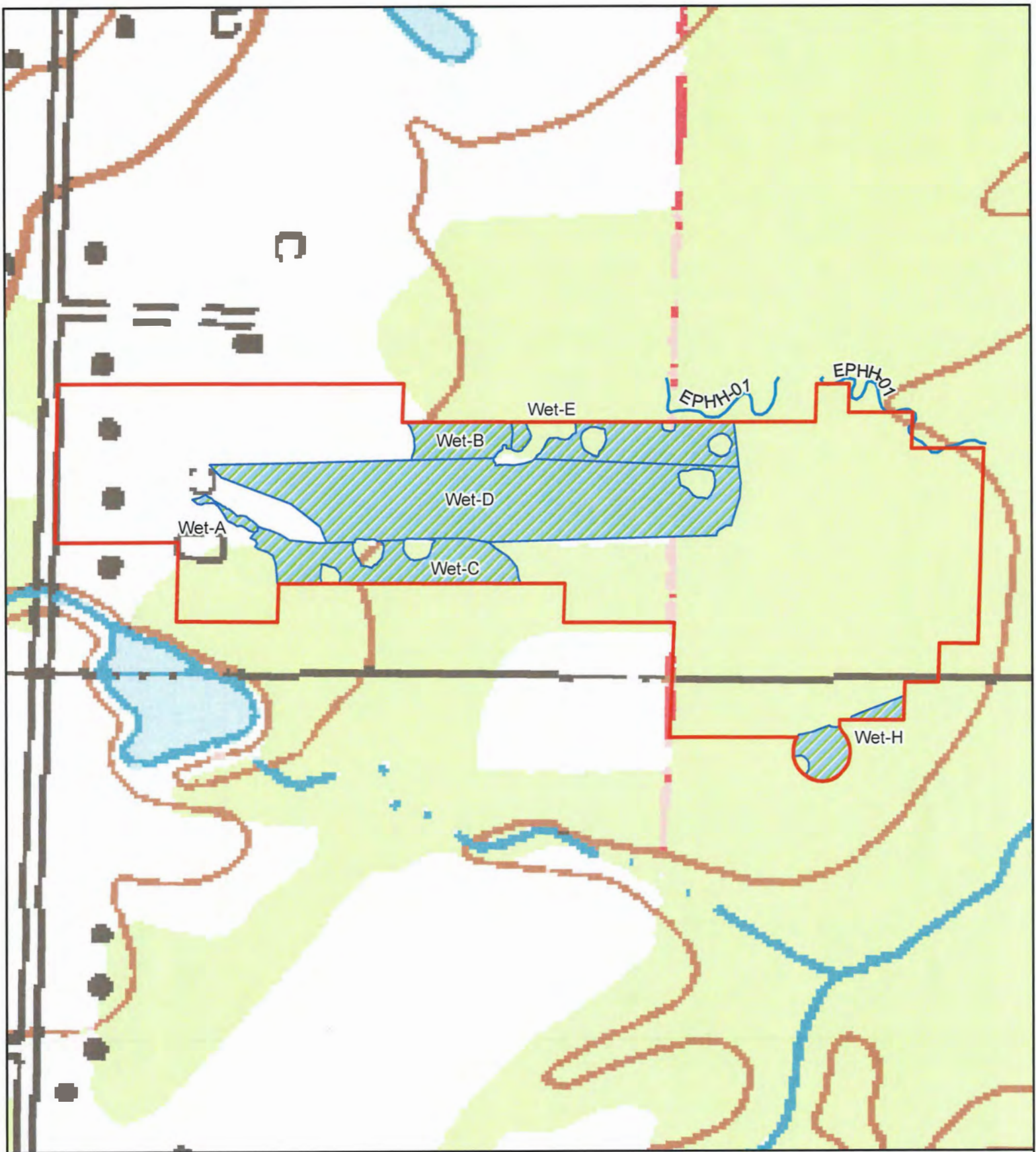
R:\projects\17450-1702-001\gis\doc\map\impactfigure\_1.mxd

Background

ACTION NO. 2017-00014  
 Creekside Addition Phase I  
 Diamond Development II  
 January 2018 Sheet 1 of 4

Figure 1. Vicinity Map








**Creekside Impacts**

300

Feet

-  Impacted Channels
-  Impacted Wetlands
-  Approximate Project Area

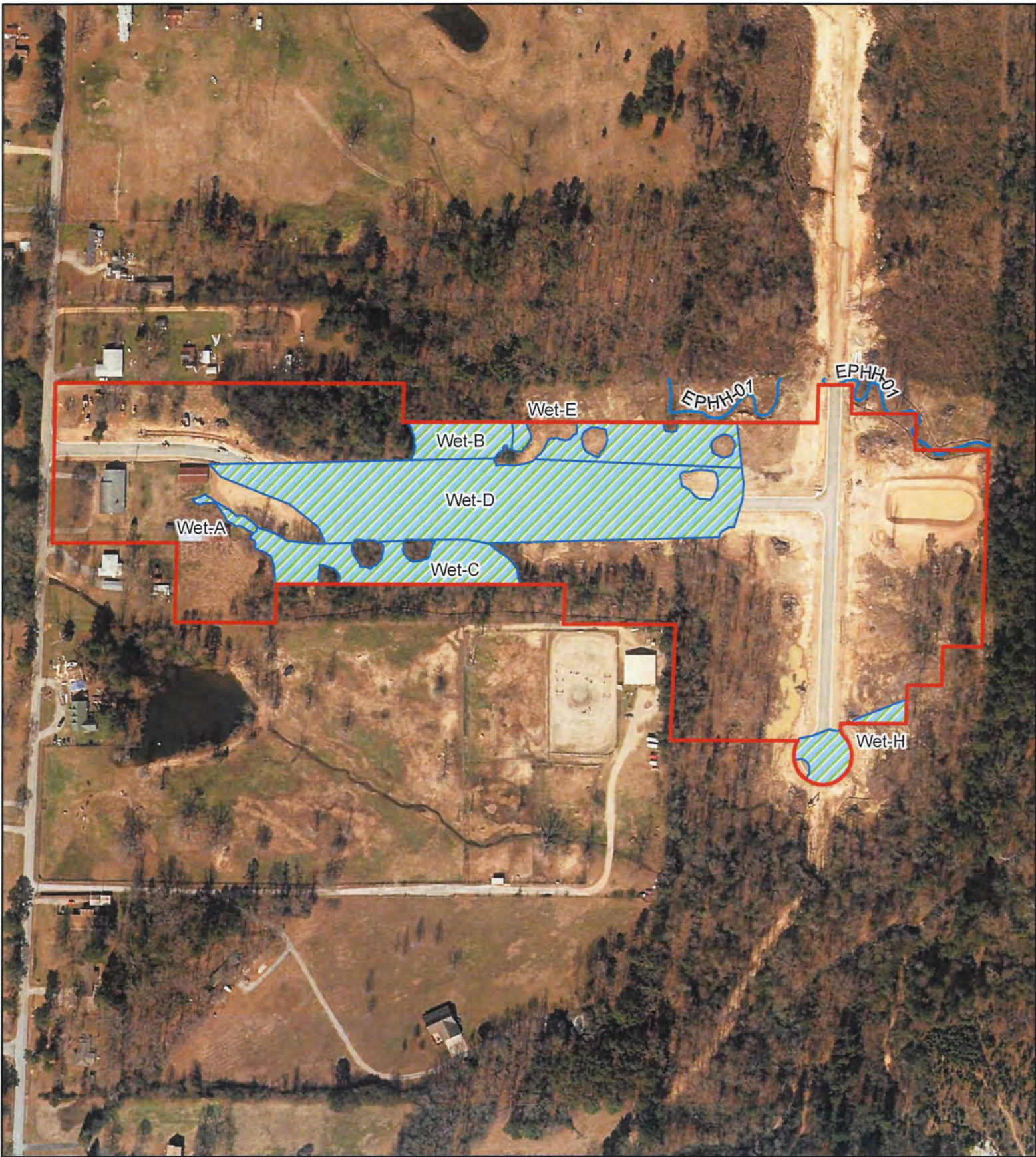


R:\projects\17450-1702-001\gis\doc\map\impact\figure\_2.mxd

Figure 2. Map showing adverse impact areas based on the USGS topographic quad

ACTION NO. 2017-00014  
 Creekside Addition Phase I  
 Diamond Development II  
 January 2018 Sheet 2 of 4








**Creekside Impacts**

300

Feet

-  Impacted Channels
-  Impacted Wetlands
-  Approximate Project Area



R:\projects\17450-1702-001\gis\doc\map\impact\figure\_3.mxd

Figure 3. Map showing project area details based on 2017 Arkansas Digital Orthophoto

ACTION NO. 2017-00014  
 Creekside Addition Phase I  
 Diamond Development II  
 January 2018 Sheet 3 of 4





### Creekside Mitigation

500

Feet

 Mitigation Area



R:\projects\17450-1702-001\gis\doc\map\mit\figure\_5.mxd

ACTION NO. 2017-00014  
Creekside Addition Phase I  
Diamond Development II  
January 2018 Sheet 4 of 4

Figure 5. Map showing mitigation areas details based on 2017 Arkansas Digital Ortho