



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2018-00284-1

Date: June 6, 2019

Comments Due: July 1, 2019

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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, Jim Ellis, 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: [Jim.D.Ellis@usace.army.mil](mailto:Jim.D.Ellis@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. Scott Hurley  
Layman Lane, LLC  
15100 Pride Valley Road  
Little Rock, Arkansas 72223**

has requested authorization for the placement of dredged and fill material in waters of the United States (WOUS) associated with the construction of phases 2 through 5 of the Copper Run residential subdivision. The additional phases of the development will encompass approximately 26 acres that have been maintained as forestland in the past. The original development was permitted by Nationwide Permit No. SWL-2018-00284, which impacted (filled) approximately 485 linear feet of two ephemeral streams that flow into Brodie Creek. The proposed additional phases to the permitted project would impact (fill) approximately 0.2 acres of emergent wetlands, approximately 1.1 acres of two jurisdictional ponds, and approximately 800 linear feet of an ephemeral stream, which will be re-routed through approximately 2,500 linear feet of 30-inch to 66-inch-diameter stormwater pipe. Site drainage will be directed to the southeast via curb and gutter and overland flow to a detention pond and then return to either Brodie Creek directly or via a nearby tributary of Brodie Creek. The proposed project is located in the SW 1/4 of section 1, T. 1 N., R. 14 W., south of Pride Valley Road in Little Rock, Pulaski County, Arkansas.

The purpose of the project is to provide additional housing facilities, by developing new housing at the Copper Run residential subdivision. The project is not water dependent.

The site is bordered by mostly rural land on all sides, dominated by forest and some residences. Terrain on the west and south side of the property is relatively steep and includes a wetland, two jurisdictional ponds, and an ephemeral stream connecting the two ponds. Terrain on the north and east side of the project area is currently under development and has been cleared and graded for the construction of phase 1 of the Copper Run residential subdivision. To accomplish the current project, approximately 5,374 cubic yards of clean earthen fill, rock, and concrete will be placed into the emergent wetland, two ponds, and an ephemeral stream in order to level the land for building, address soil/erosion control, and provide drainage and utility access to the property. The site plan

was configured to avoid the larger streams (Brodie Creek located on the south side of the property and an unnamed intermittent stream on the southwest side of the property). A storm water pollution prevention plan would be implemented to prevent and minimize transport of sediment to downstream waters not receiving fill material. Typical best management practices such as silt fencing and other construction methods would be used to mitigate impacts to water quality and other resources.

The applicant has investigated alternative project sites located on the existing property currently under development. The applicant stated that the proposed project site is the only location on the existing property that will accommodate the additional houses. The applicant has owned the current property for approximately 2 years.

Compensatory mitigation requirements for impacts to the wetland and ponds would be assessed utilizing the 2002 Charleston Method with Little Rock District Addendum. Compensatory mitigation requirements for impacts to the ephemeral stream would be assessed utilizing the 2011 Little Rock Stream Method. The applicant proposes to mitigate for unavoidable impacts by purchasing credits from an approved mitigation bank that services the project area.

The location and general plan for the proposed work are shown on the enclosed sheets (Sheets 1-8 of 8).

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 **July 1, 2019**. 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.

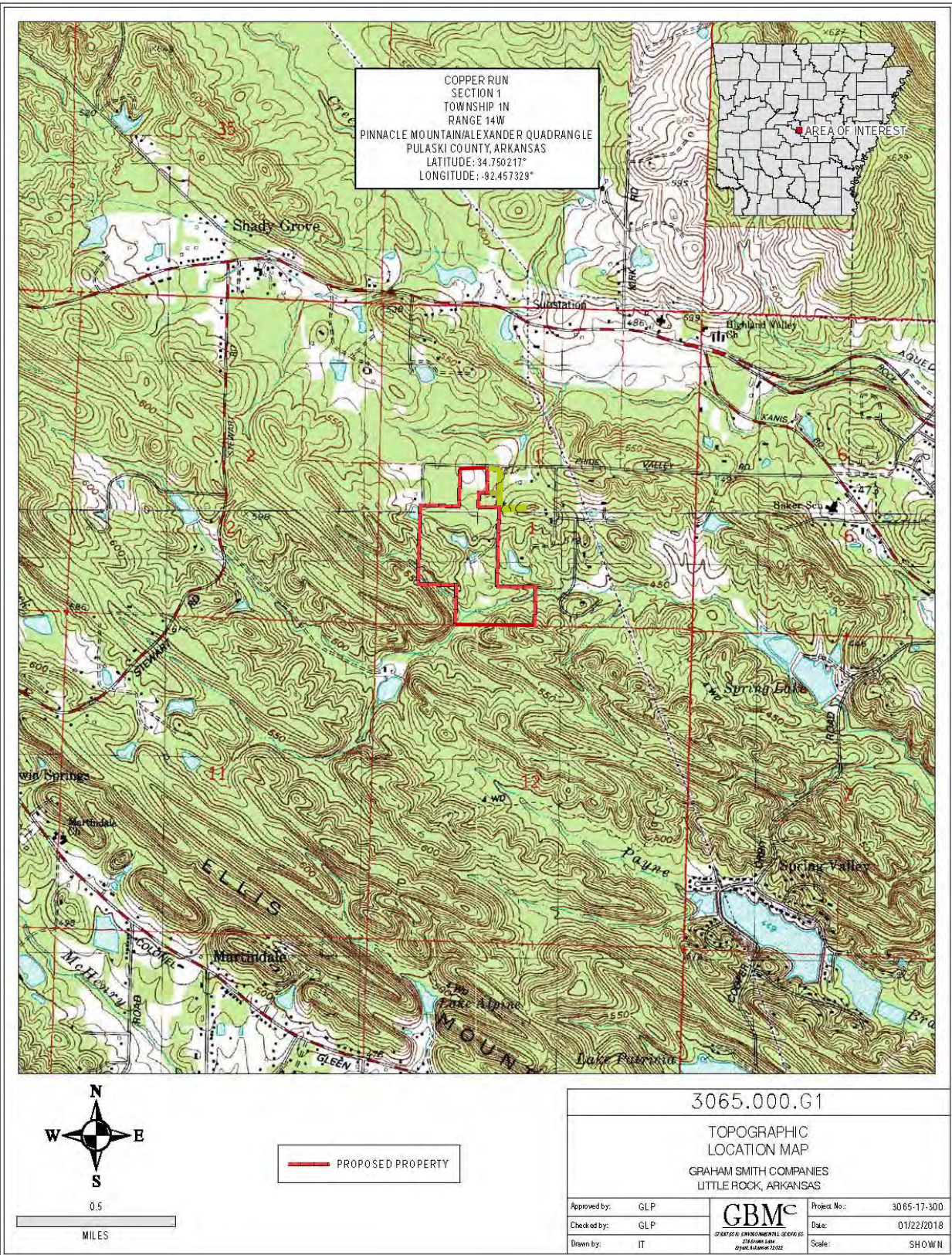
**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **34.750211**                      Longitude: **-92.45894**

UTM Zone: **15**            North: **3845476.30**            East: **549522.41**



**ACTION NO.: SWL-2018-00284-1**  
**Copper Run Residential Subdivision (Phases 2-5)**  
**RESIDENTIAL DEVELOPMENT**  
**Wetland, Ponds, and Ephemeral Stream**  
**Section 1, T. 1 N., R. 14 W.**  
**June 2019**

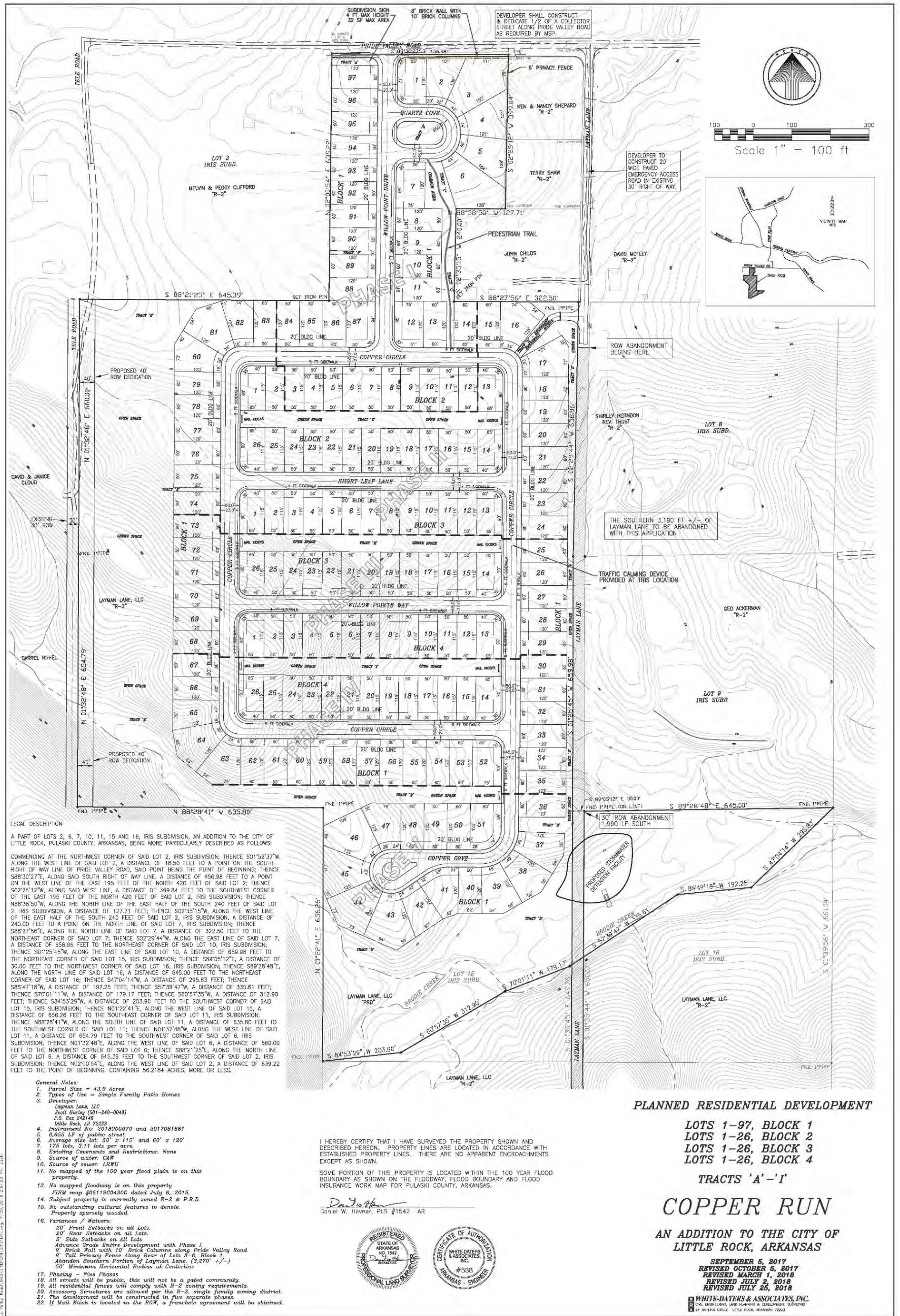
Sheet 1 of 8



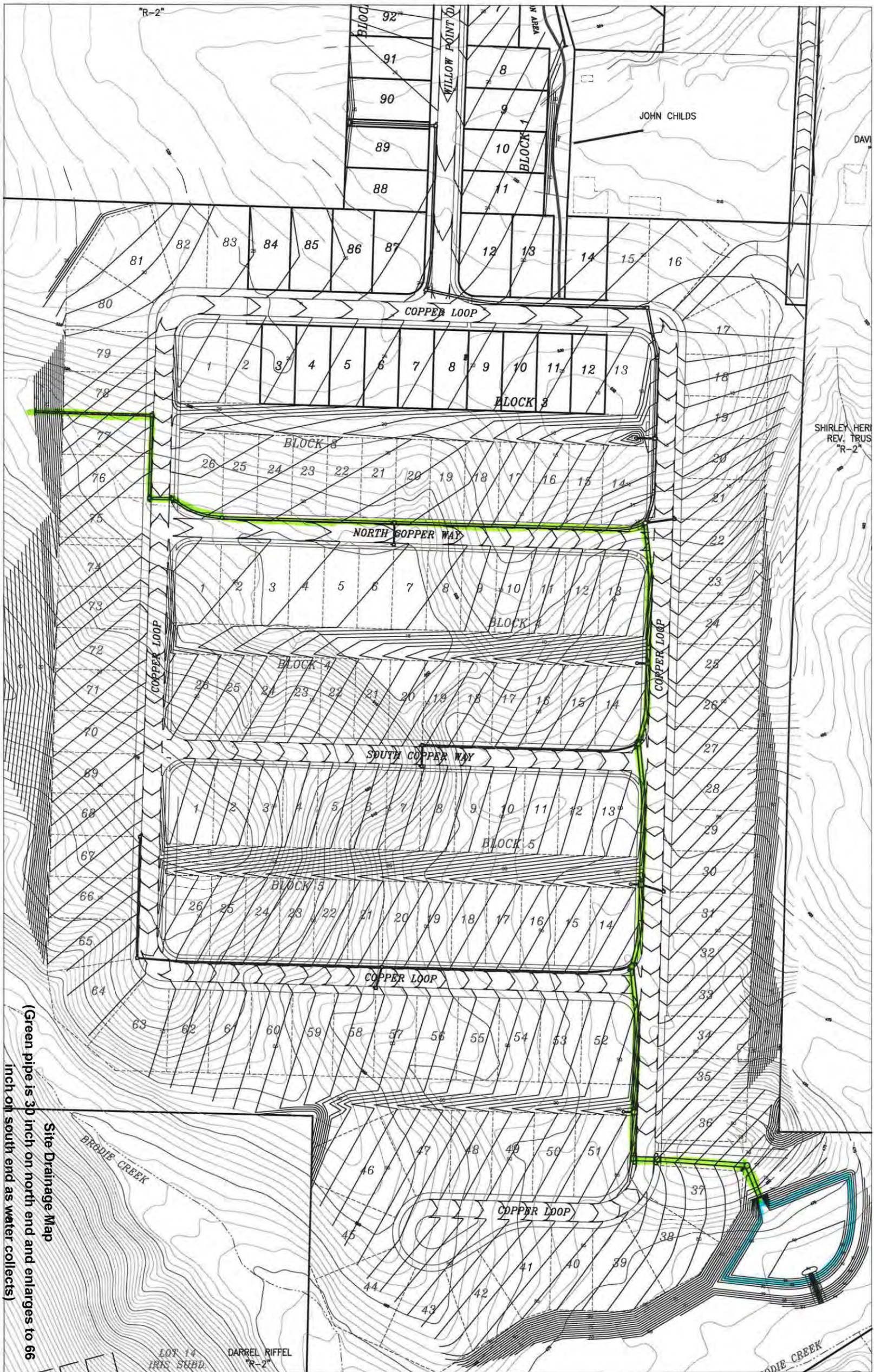
DESIGNED BY	GLP	 <small>Strategic Environmental Services</small> 219 Booth Lane Bryant, Arkansas 72022	SHEET TITLE	AERIAL PHOTOGRAPHY IMPACTED AREAS	JOB NAME	COPPER RUN PHASES 2-5 GRAHAM SMITH COMPANIES LITTLE ROCK, ARKANSAS	PROJECT NO.	3065-17-300	REV. NO.	
CHECKED BY	GLP		DATE	01/17/2019	SCALE	SHOWN	DWG. NO.			
APPR. BY	GLP									
DRAWN BY	IT									
NO.	DATE	REVISION	BY	CK.	APPR.					

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Site Drainage Map  
 (Green pipe is 30 inch on north end and enlarges to 66  
 inch on south end as water collects)

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*Photo Log of Jurisdictional Waters Determination*

**Streams:**



Ephemeral stream S-1a



Ephemeral stream S-1b

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**Ephemeral stream S-1c**

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**Ponds:**



Pond 1



Pond 2

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Wetland 1



Wetlands:

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