



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATE OF ARKANSAS*

**Application Number: SWL 2019-00308**

**Date: November 6, 2019**

**Comments Due: December 2, 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. Bryan A. Austin  
HEA Properties, LLC  
3201 Club Manor Drive, Suite A  
Maumelle, Arkansas 72113**

has requested authorization for the placement of dredged and fill material in 0.29 acres of three wetlands and 0.20 acres (3,438 linear feet) of five ephemeral streams associated with the mechanized land clearing and grading on a 121-acre tract of land for commercial development. The project site is located adjacent to Champs Boulevard in Maumelle, Arkansas. Mechanized land clearing, grading, and road construction will take place using suitable equipment (such as excavators, dump trucks, and bulldozers). The proposed project is located in wetlands and streams immediately west of White Oak Bayou, which flows into the Arkansas River, in section 27, T. 3N., R. 13 W., Pulaski County, Arkansas.

The purpose of the project is to prepare a site for commercial development that would service Maumelle and surrounding areas. The project is not water dependent.

The site is surrounded by commercial development in a rapidly expanding portion of Central Arkansas within the city limits of Maumelle, Arkansas. Terrain on the project site consists of uplands including ephemeral streams and herbaceous and forested wetlands that flow southeast into White Oak Bayou. To accomplish the project, clearing of existing wetland vegetation (including trees), filling, and grading of wetlands and streams would be required. Approximately 80 cubic yards of soil and rock would be required for fill material. Other authorizations, including a storm water pollution prevention plan (SWPPP) will be obtained 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 other alternative project sites in proximity to the proposed site but none adequately meet the project purpose. The permit applicant has owned the proposed project site since 2005. The project site is part of a larger project area that was permitted in 2005 for commercial development but was never completely developed under the original permit. The applicant has altered the layout of the proposed commercial development to avoid impacts to two existing wetlands along the eastern portion of the property.

Compensatory mitigation requirements for impacts to wetlands would be assessed utilizing the 2002 Charleston Method with the Little Rock District Addendum. Streams were assessed and mitigated for in the original permit issued in 2005. The applicant proposes to mitigate for unavoidable impacts by permittee-responsible on-site and off-site compensatory mitigation. The project is located in the White Oak Bayou watershed and due to the unique nature of White Oak Bayou, all mitigation must occur within the watershed. No mitigation banks service this watershed.

The location and general plan for the proposed work are shown on the enclosed sheets (Sheets 1-9 of 9).

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 **December 2, 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

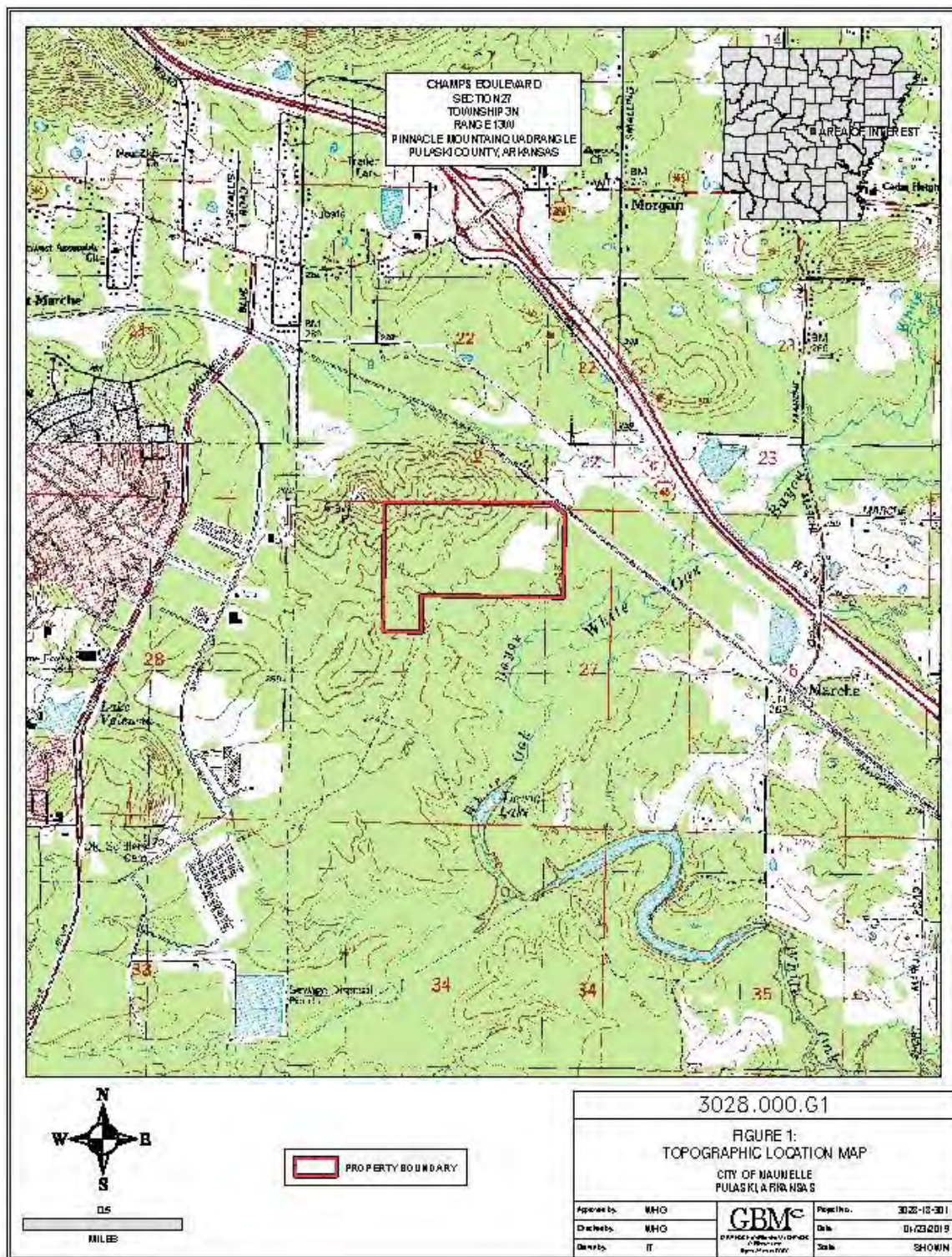
Latitude: **34.87034**

Longitude: **-92.38073**

UTM Zone: **15**

North: **3858839**

East: **556599**



ACTION NO.: **SWL-2019-00308**

HEA PROPERTIES, LLC

COMMERCIAL DEVELOPMENT

Streams and Wetlands adjacent to White Oak Bayou

Section 27, T. 3 N., R. 13 W.

November 2019

Sheet 1 of 9





NO.	DATE	DESCRIPTION	BY	CHK	APP

DATE	BY	CHK	APP



FIGURE 2  
WETLAND IMPACT MAP

CHAMPS SITE PROPERTY  
SECTION 404 PERMIT APPLICATION  
HEA PROPERTIES, LLC  
RUSK COUNTY, TEXAS

DATE	BY	CHK	APP

DATE	BY	CHK	APP

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S-1 mid-reach, facing downstream



S-2 upstream near W-1

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S-2 downstream pool



S-3 facing downstream

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S-4 just upstream of W-1, facing downstream



S-5 near south boundary, facing upstream

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Wetland W-1 at wpt 478



W-1 facing south from wpt 478

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Wetland W-2



Wetland W-3

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Wetland W-4



Wetland W-5

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