



US ARMY Corps
Of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2014-00238

Date: September 11, 2014

Comments Due: October 6, 2014

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, 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.

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

**Mr. Keith Richardson
Richardson Properties, LLC
9800 Maumelle Boulevard
North Little Rock, Arkansas 72113**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the construction of a 36-acre residential and commercial development, referred to as Bowman Pointe, in west Little Rock at the northeast corner of Bowman Road and West 36th Street. The proposed project would impact (fill) and relocate approximately 1,398 linear feet of three jurisdictional intermittent streams and 1,632 linear feet of two jurisdictional ephemeral streams for a total of 0.21 acres of waters of the United States. Water flow enters the project area by two ephemeral streams that originate in a residential subdivision immediately north of the project property. These ephemeral streams then flow into the intermittent streams that are primarily fed by small springs and seeps on the property. The intermittent streams flow southward into existing stormwater drains under West 36th Street then east into Brodie Creek, Fourche Creek and then the Arkansas River in northeast Little Rock. The proposed project is located immediately north of West 36th Street, in the NW 1/4 of section 16, T. 1 N., R. 13 W., Little Rock, Pulaski County, Arkansas.

The basic purpose of the project is to construct apartments and an associated shopping center. The overall purpose of the project is to meet the demand for less expensive apartment housing for people who desire to live in the Brodie Creek area as well as provide for the commercial and retail needs of the apartment residents in west Little Rock, Arkansas. The project is not water dependent.

To accomplish the project, the steep land surface would be graded and leveled. The grading and leveling would discharge approximately 170 cubic yards of fill material into 1,632 linear feet of jurisdictional ephemeral streams and 1,398 linear feet of jurisdictional intermittent streams. Construction would include 500 residential apartment units, and approximately 30,000 square

feet of commercial and retail development, which would be located south of the apartment complex. The flow of water at the project site would be diverted through constructed stormwater channels and culverts that would divert flow around the perimeter of the project site and southward into existing stormwater drains under West 36th Street then east into Brodie Creek, Fourche Creek and into the Arkansas River.

The applicant has investigated three alternative project sites in the proximity of Shackleford Road in the west Little Rock area. The applicant stated that all three sites were cost prohibitive due to the cost of the land. The applicant has avoided impacts to the site by altering the layout of the apartment complex. Mitigation requirements were assessed utilizing the Little Rock District Stream Method. This method determined that 17,084 stream credits would be required to offset the impacts of the proposed project. The applicant proposes to use off-site compensatory mitigation located approximately one-half mile west of the project site on Brodie Creek. Approximately 2,860 linear feet of Brodie Creek would be preserved and protected while its riparian area would be enhanced and/or preserved. The area immediately south of the proposed mitigation site on Brodie Creek was previously used as a mitigation site for another project owned by Richardson Properties, LLC.

Typical best management practices such as silt fencing and other construction methods will be used to mitigate impacts to water quality and other resources.

The project location, general plan for the proposed work and stream locations and photos of the streams are shown on the enclosed sheets, 1 through 6. Sheet Number 5 denotes the approximate location of the jurisdictional streams on the property. Sheet Number 6 contains representative photos of the impacted streams.

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.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain 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 **October 6, 2014**. 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, flood plain 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 also 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.

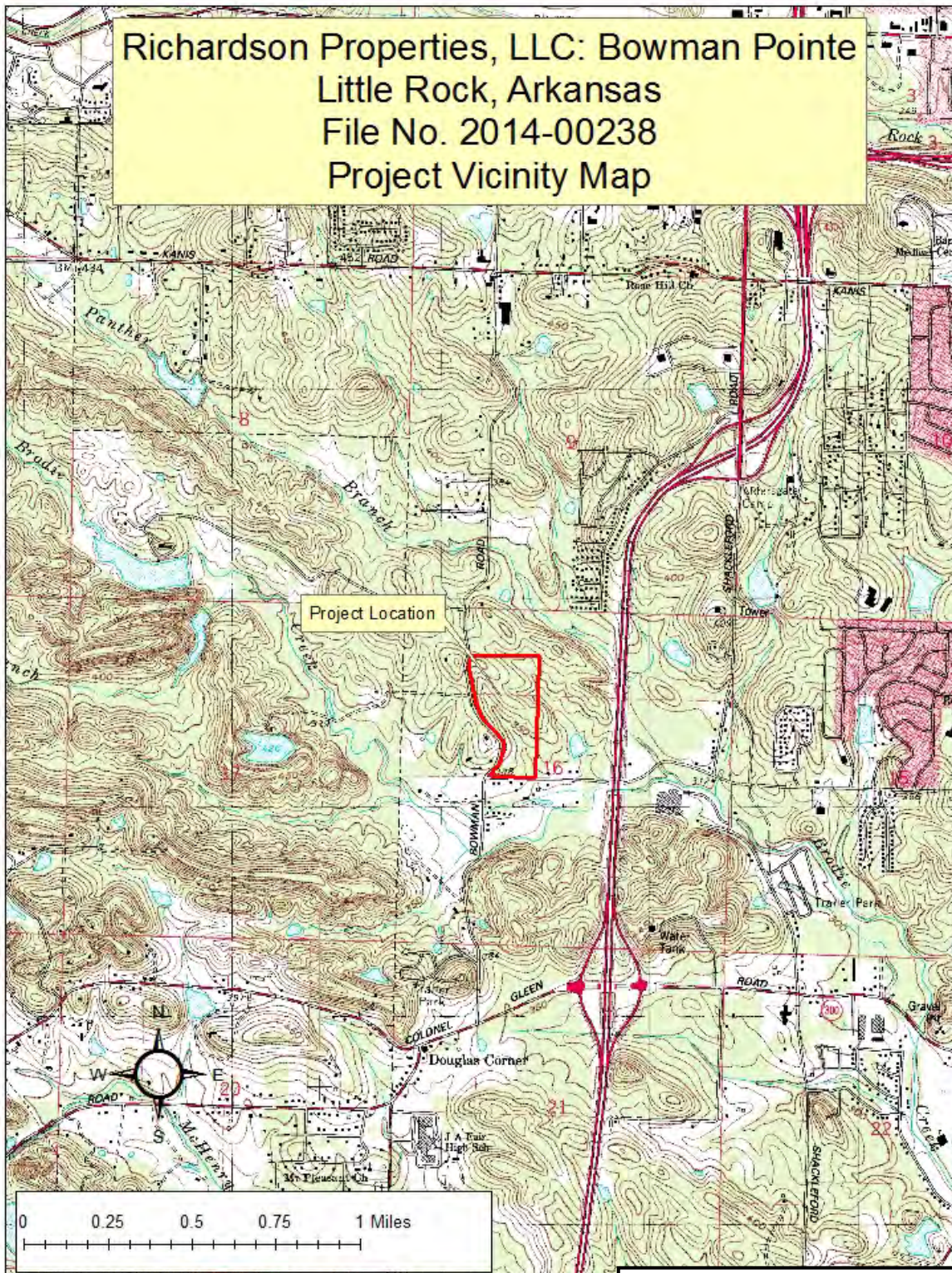
Enclosures

Approximate Coordinates of Project Center

Latitude: **34.72493** Longitude: **-92.40688**

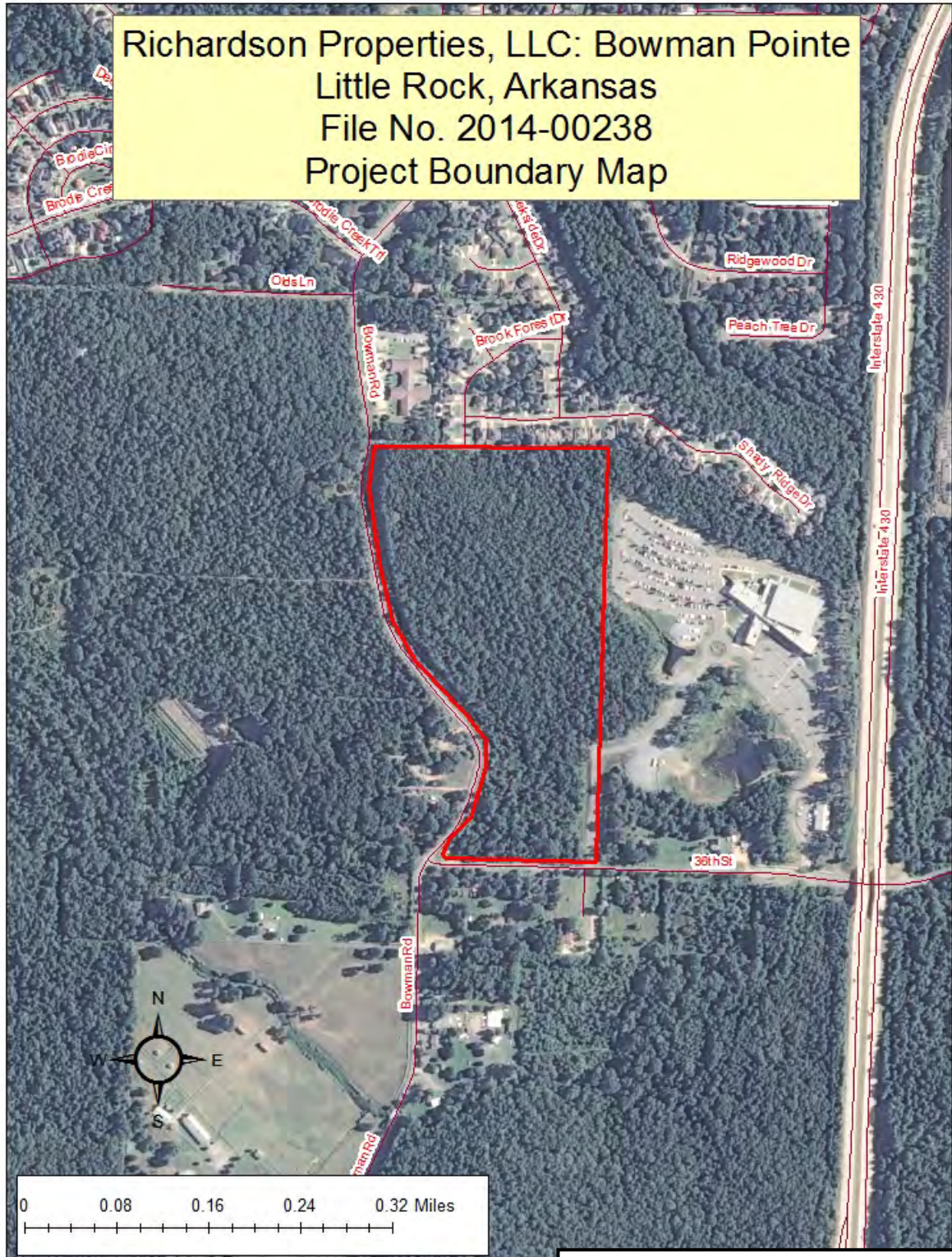
UTM Zone: **15** North: **3842699** East: **554304**

Richardson Properties, LLC: Bowman Pointe
Little Rock, Arkansas
File No. 2014-00238
Project Vicinity Map



ACTION NO.: 2014-00238
Richardson Properties, LLC
COMMERCIAL DEVELOPMENT
Unnamed Tributaries to Brodie Creek
Section 16, T. 1 N., R. 13 W.
September 2014

Richardson Properties, LLC: Bowman Pointe
Little Rock, Arkansas
File No. 2014-00238
Project Boundary Map



ACTION NO.: 2014-00238

Richardson Properties, LLC

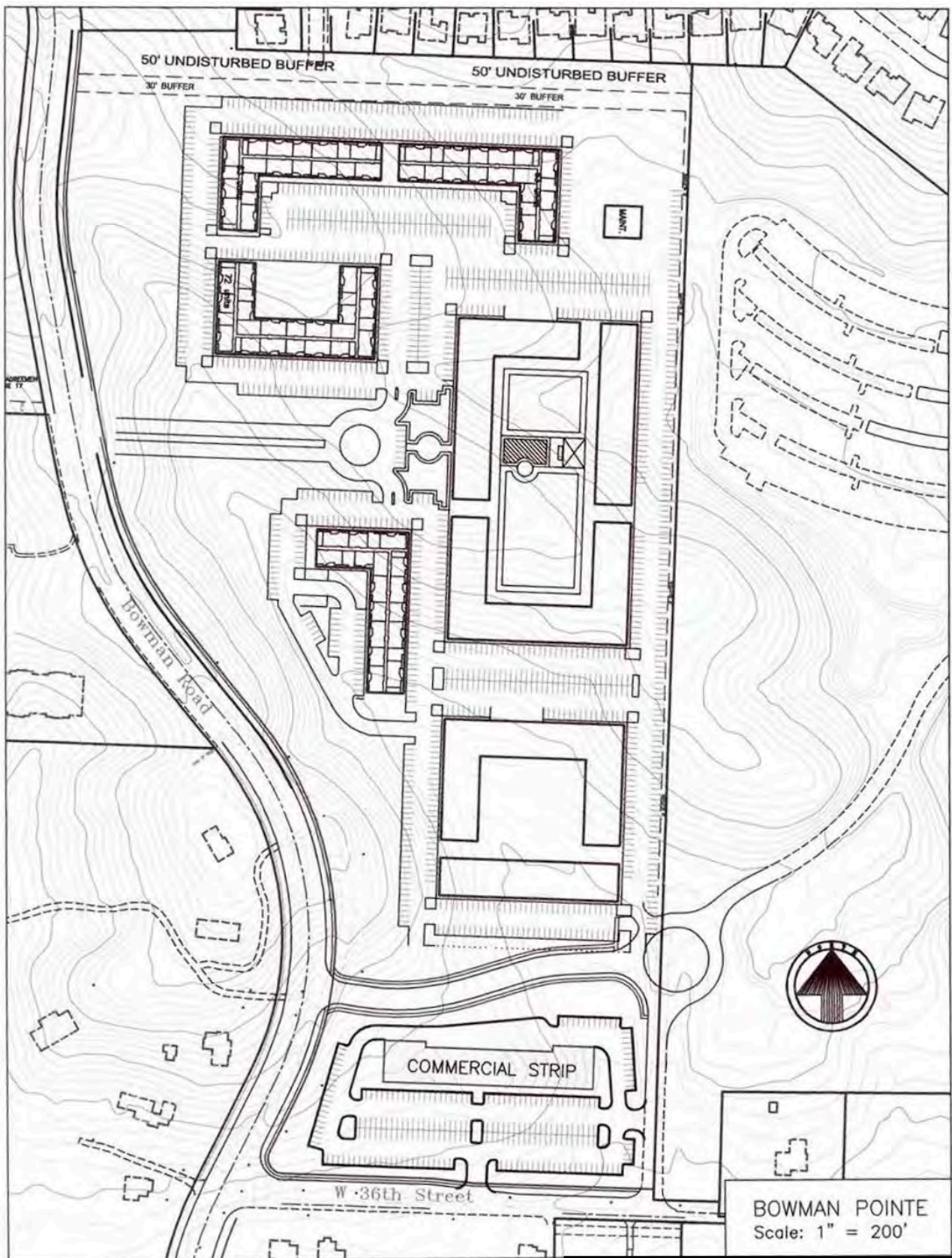
COMMERCIAL DEVELOPMENT

Unnamed Tributaries to Brodie Creek

Section 16, T. 1 N., R. 13 W.

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Proposed Project Layout.

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Richardson Properties, LLC

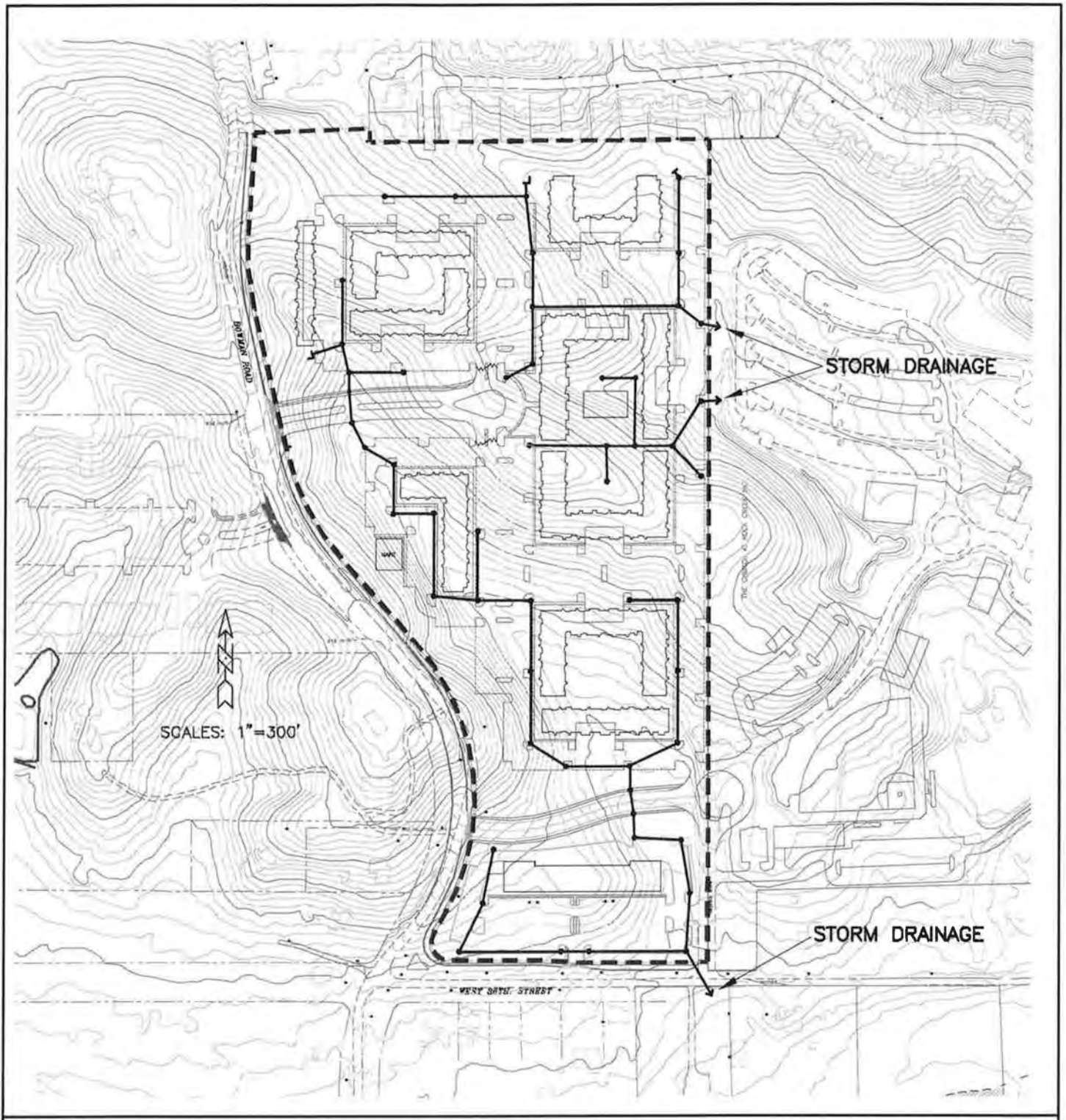
COMMERCIAL DEVELOPMENT

Unnamed Tributaries to Brodie Creek

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Proposed Drainage Plan.

Richardson Properties, LLC: Bowman Pointe



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Richardson Properties, LLC

COMMERCIAL DEVELOPMENT

Unnamed Tributaries to Brodie Creek

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Photographs
Impacted Areas



Proposed impacted streams for Bowman Pointe.



Proposed impacted streams for Bowman Pointe.

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