



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2013-00418

Date: March 22, 2024

Comments Due: April 16, 2024

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, Emily Edwards, telephone number: (501) 340-1374, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Emily.L.Edwards@usace.army.mil

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

**Dream Big Investments, LLC
Mr. Chase Martin
9600 Rowlett Drive
North Little Rock, AR 72113**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with residential and commercial development. The proposed project is located in wetlands and unnamed tributaries of White Oak Bayou, in the NW 1/4 of section 10, T. 2 N., R. 13 W., North Little Rock, Pulaski County, Arkansas.

The project purpose is to construct multi-family residential and commercial developments.

The project site is approximately 30 acres and has previously been used for silviculture activities which has left the project area slightly disturbed. Ten wetlands consisting of approximately 4.1 acres and three streams totaling approximately 2,150 linear feet will be impacted by the project. One stream (S-1) will be partially avoided along the stream's northern section. All other aquatic resources will be impacted. Mechanized land clearing, grading, parking lot, road, and building construction will take place using suitable equipment in association with the construction of the developments. Implementation of erosion and sediment controls at the site will minimize water quality impacts to downstream receiving waters. Adjacent properties to the north and west are commercial facilities with Maumelle Boulevard bordering the property on the south and Counts Massie Road bordering the property to the east. The northern and central parts of the property are forested with a mixture of pine and hardwood tree species. The southern section of the property is a field containing herbaceous vegetation. The streams generally flow west and exit the property in the northwest corner directly into an offsite permittee responsible mitigation area associated with Department of the Army Permit No. SWL 2003-18635.

The applicant proposes to mitigate for the impacts by using the permittee responsible mitigation method on a site within the White Oak Bayou watershed. According to a previous decision

associated with SWL-1776-06988 White Oak Bayou Watershed Public Notice, any project that was issued a Corps permit located within the White Oak Bayou watershed and required compensatory mitigation, that mitigation must be located within the watershed and preservation could be used solely as the means of compensatory mitigation. The selected site for the proposed mitigation is approximately 1.6 miles northeast of the impact area and is north of White Oak Crossing and east of Timberland Trail. This site is in the five-year flood plain of the White Oak Bayou and contains forested wetlands, an unnamed tributary of White Oak Bayou, and White Oak Bayou. The mitigation site is of higher quality and has more continuity to other high-quality wetlands. The mitigation's work plan will include preservation of approximately 2,250 linear feet of stream channel with a 25-foot riparian buffer along both sides of White Oak Bayou and approximately 250 feet of stream channel with 25-foot riparian buffer on an unnamed perennial tributary of White Oak Bayou. For more information on the permittee responsible mitigation plan please see the attached Mitigation Plan document.

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

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, the Corps and ADEQ have determined the reasonable period of time for the certifying agency to act upon the certification request is 10 days once the applicant submits a certification request to the certifying agency. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

Cultural Resources. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. 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 **April 16, 2024**. 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

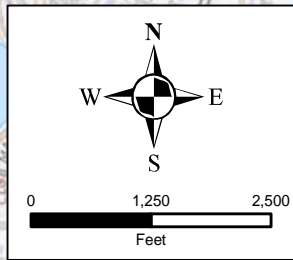
Latitude: **34.827393°** Longitude: **-92.384919°**

UTM Zone: **15N** North: **3854074** East: **556245**

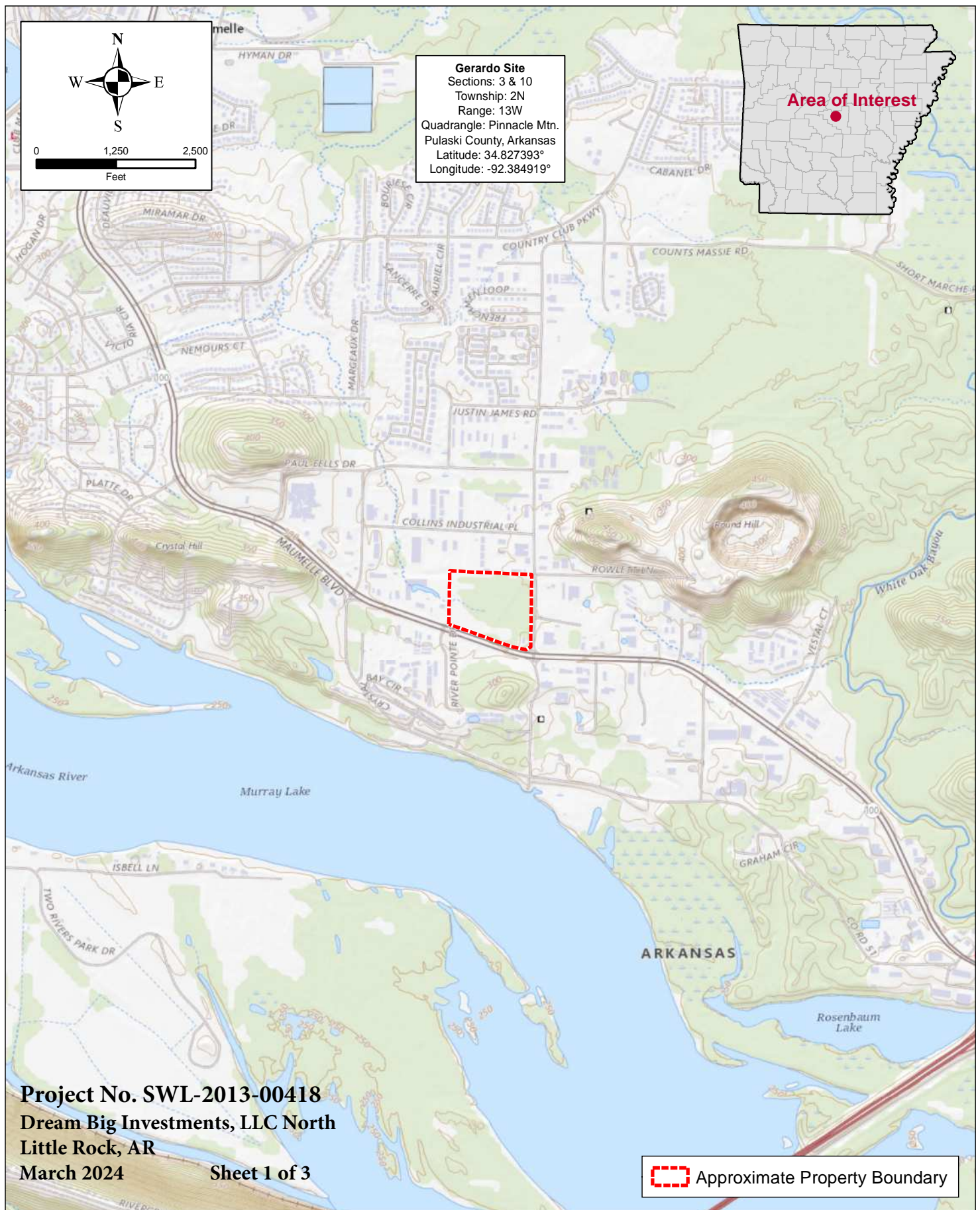
Approximate Coordinates of Mitigation Site Center

Latitude: **34.844785°** Longitude: **-92.357976°**

UTM Zone: **15N** North: **3856018** East: **558696**



Gerardo Site
Sections: 3 & 10
Township: 2N
Range: 13W
Quadrangle: Pinnacle Mtn.
Pulaski County, Arkansas
Latitude: 34.827393°
Longitude: -92.384919°



Project No. SWL-2013-00418
Dream Big Investments, LLC North
Little Rock, AR
March 2024

Sheet 1 of 3

 **Approximate Property Boundary**

DESIGNED BY ALB
CHECKED BY SJH
APPR. BY GLP
DRAWN BY ALB



SHEET TITLE

**TOPOGRAPHIC
SITE MAP**

JOB NAME

**GERARDO SITE
PRE-CONSTRUCTION NOTIFICATION
WHITE-DATERS & ASSOC.
PULASKI COUNTY, ARKANSAS**

PROJECT NO.

3025-14-303

DATE

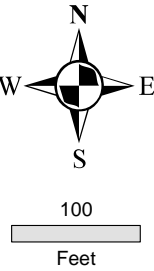
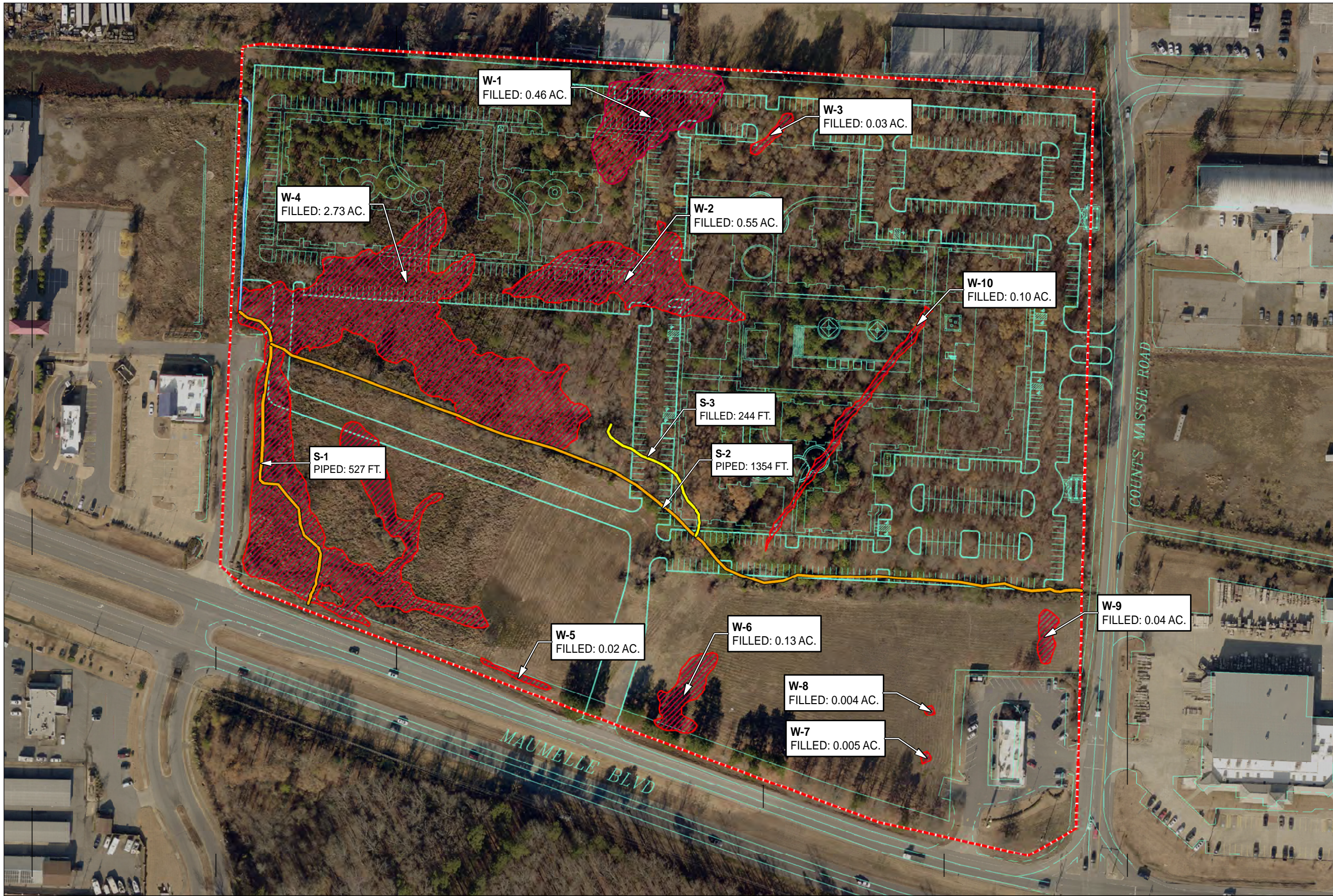
03/23/2023

SCALE

SHOWN

REV. NO.

DWG. NO.



Project No, SWL-2013-00418
Dream Big Investments, LLC
North Little Rock, AR
March 2024

Sheet 2 of 3

- Stream
- Stream Impact - Filled
- Stream Impact - Piped
- Wetland Impact - Filled
- Approximate Property Boundary

NO	DATE	REVISION	BY	CK.	APPR.

DESIGNED BY
CHECKED BY
APPR. BY
DRAWN BY

SJH
SJH
GLP
ALB



SHEET TITLE

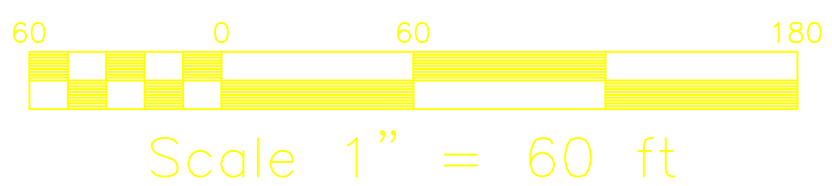
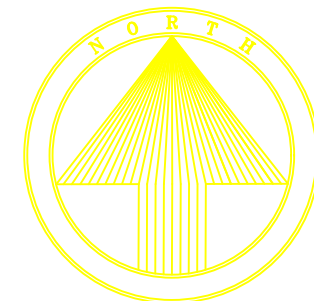
AERIAL MAP

JOB NAME

GERARDO SITE
PRE-CONSTRUCTION NOTIFICATION
WHITE-DATERS & ASSOC.
PULASKI COUNTY, ARKANSAS

PROJECT NO.
DATE
SCALE

REV. NO.
DWG. NO.



Project No. SWL-2013-00418
Dream Big Investments, LLC
North Little Rock, AR
March 2024

Sheet 3 of 3

SITE PLAN

MAUMELLE BLVD & COUNT MASSIE

LITTLE ROCK, ARKANSAS

W WHITE-DATERS & ASSOCIATES, INC.
D CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT, SURVEYING
A 24 RAHLING CIRCLE LITTLE ROCK, ARKANSAS 72223

Survey By:	Drawn By:	Checked By:	Approved By:

Revised	
Date	12/21/22
Scale	Hor. 1"=60' Vert.
Sheet	of
Job No.	

Appendix D

Mitigation Plan

1.0 MITIGATION PLAN GOALS AND OBJECTIVES

1.1 Goals and Objectives

The Gerardo Project will involve construction of multi-family housing and commercial development along Maumelle Boulevard and will impact Waters of the United States (WOTUS) in North Little Rock, Arkansas. The site encompasses approximately 30 acres. Impacts to WOTUS will be associated with grading and filling the land to prepare multi-family residential and commercial lots. Construction activities will impact 4.069 acres of wetlands, 244 linear feet (0.017 acres) of ephemeral streams, and 1,904 linear feet (0.22 acres) of intermittent streams. Impacts to Jurisdictional Waters will be mitigated through permittee-responsible mitigation on a priority property nearby the impacted area and within the White Oak Bayou watershed.

2.0 SITE SELECTION

2.1 Site Selection

The factors considered during the mitigation site selection process were to keep the hydrologic conditions, soil characteristics, and other physical and chemical characteristics similar. Impacts to wetlands within the White Oak Bayou watershed have to be mitigated within the White Oak Bayou watershed. Therefore, a mitigation project within the watershed was the major site selection consideration. The other primary issues considered were Wetland Priority Classification, based on the White Oak Bayou Wetland Management Plan and the number of credits that a site could generate. A mitigation project approximately 1.6 miles northeast of the impact area, and in the same system as the impacts, was selected. The mitigation area targeted for use on the main stem of White Oak Bayou (WOB) and is within the 5-year floodplain of WOB. The site is north of White Oak Crossing and east of Timberland Trail (see maps in appendix A). The site is ranked as high priority for protection in the WOB

Management Plan. This property is of particular value as it is part of the main WOB wetland complex.

3.0 SITE PROTECTION INSTRUMENT

3.1 Site Protection Instrument

The mitigation site will be placed in a conservation easement to ensure their long-term protection. The boundary of the mitigation area will be marked with signage posting it as a protected wetland and stream mitigation area. The long-term protection of the mitigation site and the responsibility for managing the mitigation project will be that of Dream Big Investments. Upon completion of the required monitoring, the property will be the responsibility of the conservation entity that holds the easement.

4.0 BASELINE INFORMATION

4.1 Project Impact Site

The impact site is located in Maumelle, Pulaski County, Arkansas in the White Oak Bayou Watershed. The centroid coordinates of the impact site are latitude 34.827393° and longitude -92.384919°. The property is generally flat with scattered, weakly defined drainage swales and depressional areas. The site is located in suburban development with commercial facilities occupying the adjacent properties to the north and west, Counts Massie Road bordering the property to the east, and Maumelle Boulevard bordering the property on the south. Storm water generally drains to the west and exits the property in the northwest corner via an intermittent channelized stream (S-1) routed along the western border. A second intermittent channelized stream (S-2) is oriented from east to west across the site along the boundary between a northern forested area and a southern field area. The third stream (S-3) is ephemeral and originates near the center of the property and drains runoff water into S-2. Approximately 1,904 linear feet of the intermittent streams (S-1 and S-2) and 244 linear feet of

the ephemeral stream (S-3) will be impacted by the project. Ten individual wetland areas totaling approximately 4.07 acres will be impacted by the project. The northern and central parts of the property is forested with a mixture of pine and hardwood tree species. The southern section of the property is predominantly a field containing native herbaceous vegetation. Maps of the site and proposed WOTUS impacts are located in Appendix A of the permit application.

Two intermittent streams, one ephemeral stream, and ten wetlands were mapped on the project property during the Jurisdictional Determination field investigations. All wetlands and the majority of the streams on the property will be impacted by the proposed project. The streams consist of mostly runs with a mix of gravel, silt, and some cobble substrates.

The NRCS soil survey map shows the property to be primarily made up of Wrightsville silt loam, 0 to 1 percent slopes (hydric rating of 95), with a small section of Leadvale silt loam, 1 to 3 percent slopes (hydric rating of 8) on the northeast corner of the site.

4.2 Mitigation Site

The proposed mitigation site is located in Maumelle, Pulaski County, Arkansas in the White Oak Bayou Watershed. The mitigation area selected is on the main stem of WOB and is in the 5-year flood plain of the bayou. The site is mostly forested wetland and would be classified as palustrine forested (PFO) according to the Cowardian classification system and as Backwater according to the HGM classification, which was used in the White Oak Bayou Wetland Management Plan. Besides White Oak Bayou two other streams (tributaries to the bayou) occur within the property area. Maps are located in Appendix A. The centroid coordinates of the proposed mitigation site are latitude 34.844785° and longitude -92.357976°. The wetlands on the site are dominated by willow oak (*Quercus phellos*), overcup oak (*Quercus lyrata*), shagbark hickory (*Carya ovata*), and catchfly grass (*Leersia lenticularis*). The NRCS Web Soil Survey indicates the soil is made up of Perry clay, 0 to 1 percent slopes, rarely flooded (hydric rating of 90) and Tiak fine sandy loam, 1 to 3 percent slopes (hydric rating of 5).

5.0 DETERMINATION OF CREDITS

5.1 Credit determination

The number of compensation mitigation credits was calculated using the U.S Army Corps of Engineers (USACE) Charleston District Guidelines for wetlands and the Little Rock Stream Method for streams. The adverse impacts to the wetland areas will result in **46.09 wetland mitigation credits** required for the 4.069 acres of wetlands affected by grading and fill (see table in attachments).

The priority category refers to designated areas of aquatic systems that provide functions of recognized importance because of their inherent functions, their position in the landscape, or their rarity. The forested depression and the non-alluvial herbaceous/scrub shrub wetlands on the site are not high quality, rare or critical areas to preserve, however, they are in the White Oak Bayou watershed which is a special wetland management area and are generally considered primary priority by association (2 points). The non-alluvial herbaceous/scrub shrub and forested depression areas all fall within the Lost Type category B (2 points) based on the suite of functions that they perform. The existing condition tells the degree of disturbance to the ability of the site to perform its physical, chemical and biological functions. The fully functional forested (2.5 points) depression wetlands function naturally, and existing disturbance does not significantly alter important functions. The slightly impaired (2 points) non-alluvial herbaceous/scrub/shrub and forested wetlands are areas where disturbances (stream channelization, utility lines, etc) have resulted in partial or full loss of one or more functions. The duration that the adverse impacts will be permanent (2 points). The dominant impact for the wetlands on the property is fill (3 points). The cumulative impacts are 0.2 points.

The adverse impacts to the 3 streams will result in approximately 1,904 linear feet of intermittent streams and approximately 244 linear feet of ephemeral stream totaling 2148 feet of stream length. A summary of stream credits is provided in Table 1. The adverse impacts result in **8162.4 stream mitigation credits** for stream being filled or piped for building foundations, roads, and parking lots. S-1 and S-2 are intermittent streams (0.4 points) and S-3

is an ephemeral stream (0.1 points). The intermittent streams have flowing water during certain times of the year when groundwater provides water for stream flow and runoff is a supplemental source of water for stream flow. The ephemeral stream has flowing water during and for a short duration after precipitation events in a typical year and groundwater is not a source of water for the stream. All the streams are considered secondary priority areas (0.4 points) because the stream reaches are within a highly developed area and are not ranked as primary priority systems. The streams are functionally impaired (0.1 point), meaning that there is a very high loss of system stability and resilience due to channelization, lack of mature riparian buffer, and an abundance of upstream culverting. The duration that the adverse impacts are expected to last is permanent (0.3 points). The activity that will occur within S-1 and S-2 is piping (2.2 points). The activity impacting stream S-3 is fill (2.5 points). The cumulative impact is greater than 1,000 feet and will be assigned a total of 0.4 after the calculation of the total length of stream times 0.1 per 500 feet. A summary of these calculations is provided in Appendix B.

Table 1. Stream Impact Credits Required

Stream I.D.	Credits
S-1	2002.6
S-2	5,232.6
S-3	927.2
Total Credits	8162.4

6.0 MITIGATION WORK PLAN

6.1 Mitigation Work Plan

Wetland mitigation will generate credits by preserving 36.6 acres of forested wetlands in the White Oak Bayou watershed. Stream mitigation will generate credits by preserving 2252

linear feet of stream channel with a 25-foot riparian buffer along both sides of White Oak Bayou (WOB) and 252 feet of stream channel with 25-foot riparian buffer on an unnamed perennial tributary of White Oak Bayou. Preservation will be completed prior to impacts. **These activities will generate 54.8 wetland credits and 9,890 stream credits** (Table 2). There is also a smaller intermittent stream on the site that flows east out of the culvert through the leveed wetland to the west. This stream is not included in these mitigation calculations.

Table 2. Stream and Wetland Mitigation Credits from Preservation

WOTUS ID	Wetland Credits	Stream Channel Credits	Stream Riparian Buffer Credits (25-ft)
Wetland 1	54.8	---	---
WOB	---	5742	3153
Unnamed Tributary	---	642	353

7.0 MAINTENANCE PLAN

7.1 Goals and Objectives

The mitigation plan is for the preservation of wetlands, stream channels and riparian buffers. It is anticipated that the site is self-maintaining, and little maintenance will be necessary.

8.0 PERFORMANCE STANDARDS

8.1 Performance Standards

The following performance standards for the preserved mitigation area will verify that the mitigation site is meeting the interim success criteria and the objectives have been attained:

- 1) Mitigation area remains in a natural condition as documented by photographic surveys. Natural community succession is allowed.
- 2) The mitigation site will be marked with signs at a frequency and language approved by the USACE.

9.0 MONITORING REQUIREMENTS

9.1 Monitoring Requirements

Dream Big Investments is responsible for all phases of this project including marking the boundary of the site, preparation and filing the conservation easement, monitoring, reporting, and performing any remedial action as warranted. Dream Big Investments will assure that the site is monitored near the end of the growing season in years one, three and five. Monitoring reports will be submitted to the Corps by the end of each respective monitoring year. Four permanent monitoring stations will be established for collection of monitoring data. Each monitoring station will be marked with a stake/post and GPS tagged for easy location each year. Two of these stations will be established in representative portions of the wetlands and two will be established on White Oak Bayou directly adjacent to the channel and inside the protected riparian buffer. A baseline photographic survey will be completed during the first summer/fall after permit authorization to set the existing condition at each monitoring station. Photographs will be taken from two different vantage points at each station (i.e. to north and south or east and west, etc.) Photographs at stream stations will include a cross section shot and a shot upstream and downstream. Photographs will be taken from the same vantage points each year to allow comparison between years. Monitoring will always occur prior to leaf off each year, preferably between September 1 and November 1. Data collected will primarily include visual observation and photographs taken at each monitoring station throughout the monitoring period to demonstrate natural condition and health. Site photographs will be included in the monitoring report along with a narrative of methodology and findings.

10.0 LONG-TERM MANAGEMENT PLAN

10.1 Long-Term Management Plan

Dream Big Investments will be responsible to ensure the project is monitored in years one, three and five. Monitoring reports will be submitted to the Corps by the end of each respective calendar year. The protected/preserved area will be well marked with required signage. Remedial action if needed will be identified in the monitoring reports and implemented as soon as practicable.

11.0 ADAPTIVE MANAGEMENT PLAN

11.1 Adaptive Management

Dream Big Investments is committed to the success of the mitigation areas. Should there be any man-made impacts not authorized by this agreement, these shall be restored upon approval of a restoration plan by the USACE. Force majeure is not the responsibility of Dream Big Investments. Should force majeure occur, Dream Big Investments will report the affects/impacts to the USACE Little Rock District for documentation in the file.

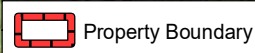
12.0 FINANCIAL ASSURANCES

12.1 Financial Assurances

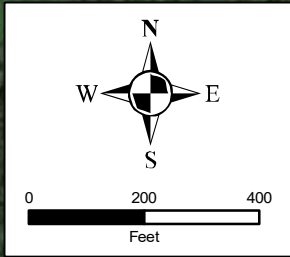
Dream Big Investments is responsible for financing all aspects of the mitigation plan.






Appendix A

Mitigation Maps



REV. NO.	
DWG. NO.	S2



-  Property Boundary
-  Unnamed Tributary (252')
-  White Oak Bayou (2,252')
-  Riparian Buffer (2.8 acres)
-  Preserved Wetland (36.6 acres)

DESIGNED BY	SJH
CHECKED BY	SJH
APPR. BY	GLP
DRAWN BY	IT



SHEET TITLE
SITE MAP

JOB NAME
MITIGATION PLAN
MAUMELLE, ARKANSAS

PROJECT NO.	3025-14-303	REV. NO.
DATE	04/17/2023	DWG. NO.
SCALE	SHOWN	S1