



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2015-00343

Date: December 9, 2016

Comments Due: January 3, 2017

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

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, Inc.
9800 Maumelle Drive
North Little Rock, Arkansas 72113**

has requested authorization for the placement of dredged and fill material in waters of the United States (WOUS) associated with the construction of a 70-acre apartment complex and a commercial outparcel for development referred to as The Pointe at North Hills. The project would impact (fill) approximately 498 linear feet of jurisdictional ephemeral stream; 588 linear feet of jurisdictional intermittent stream; and 8.3 acres of a wetland. The proposed project is located in streams and an adjacent wetland associated with an unnamed channelized perennial stream and ultimately the Arkansas River, in the SE 1/4 of section 24 and the NE 1/4 of Section 25, T. 2 N., R. 12 W., North Little Rock, Pulaski County, Arkansas.

The basic purpose of the project is to provide housing and commercial facilities. The overall purpose of the project is to develop a site for an apartment complex and commercial outparcel to service North Little Rock and surrounding areas. The project is not water dependent.

The site is currently surrounded by urban development and interstate highway (I-40). Terrain on the west side of the property is flat and includes a large wetland. Terrain on the east side of the property is composed of uplands with drainage swales and hillslopes. To accomplish the project, clearing of existing vegetation, grading, filling, and relocation of existing stream channels would be required. The site would be graded and 8.3 acres of a wetland and 498 linear feet ephemeral streams would be permanently filled. Five-hundred and eighty-eight linear feet of intermittent stream would be culverted. Approximately 6,700 cubic yards of soil would be required for fill material. The ephemeral stream that would be filled would be rerouted through drainage features placed throughout the apartment complex and ultimately flow into the intermittent stream. The intermittent stream would be re-routed to the east and flow between the embankments for the apartments and the commercial outparcel through a culvert under an

existing access road and then back into the existing wetland. Drainage in the remaining wetland complex would be maintained to protect the wetland hydrology that currently exists. 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 other alternative project sites in the proximity of the proposed site. The applicant stated that the project site is the only property in the area north of I-40 and west of Highway 167 available for an apartment complex of this scale. The applicant has owned the current property for approximately 10 years. The applicant has altered the layout of the residential development to reduce the amount of ephemeral streams that would be permanently lost.

The applicant states that the site plan was designed in an effort to avoid and minimize impacts to the large wetland. The original site plan centered the project on the site and impacted several more acres of the wetland. The current site plan places the buildings and roads on the east side of the site versus the west side of the site where the majority of the wetland is located. Furthermore, an entrance from North Hills Boulevard to the proposed apartments that crosses the wetland would be placed on an existing road that already transects the wetland instead of building a new road through the wetland. Improvements to this access road would be made to maintain current hydrology necessary to protect the wetland complex. The acres of non-impacted wetland would be preserved and enhanced through deed restriction as part of the mitigation.

Compensatory mitigation requirements for impacts to the streams and the wetland would be assessed utilizing the 2011 Little Rock District Stream Method and the 2002 Charleston Method. The applicant proposes to mitigate for unavoidable impacts by purchasing credits from an approved mitigation bank that services the area and by on-site permittee responsible mitigation.

The location and general plan for the proposed work are shown on the enclosed sheets (Sheets 1-4 of 4).

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 **January 3, 2017**. 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.

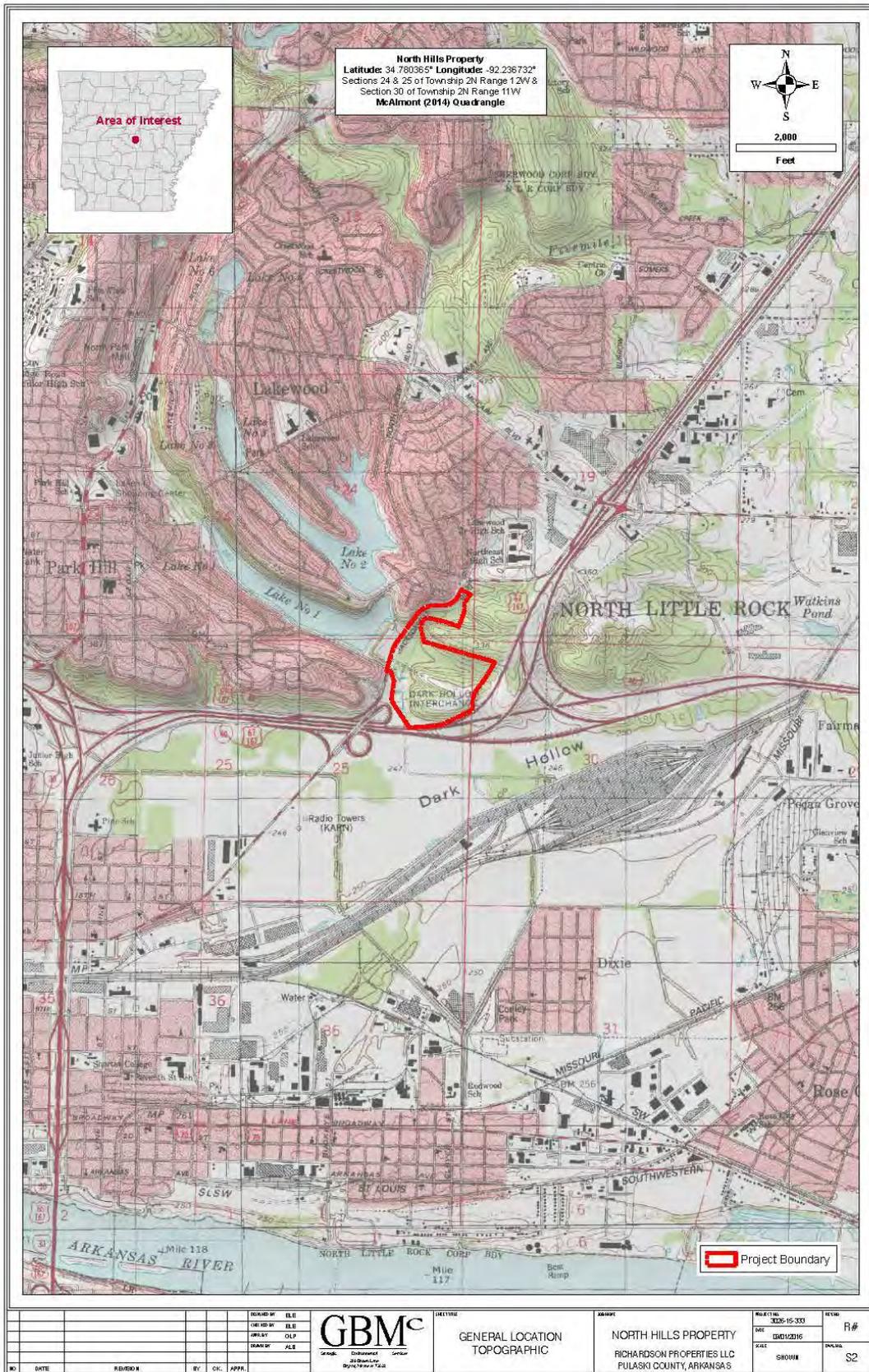
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

Approximate Coordinates of Project Center

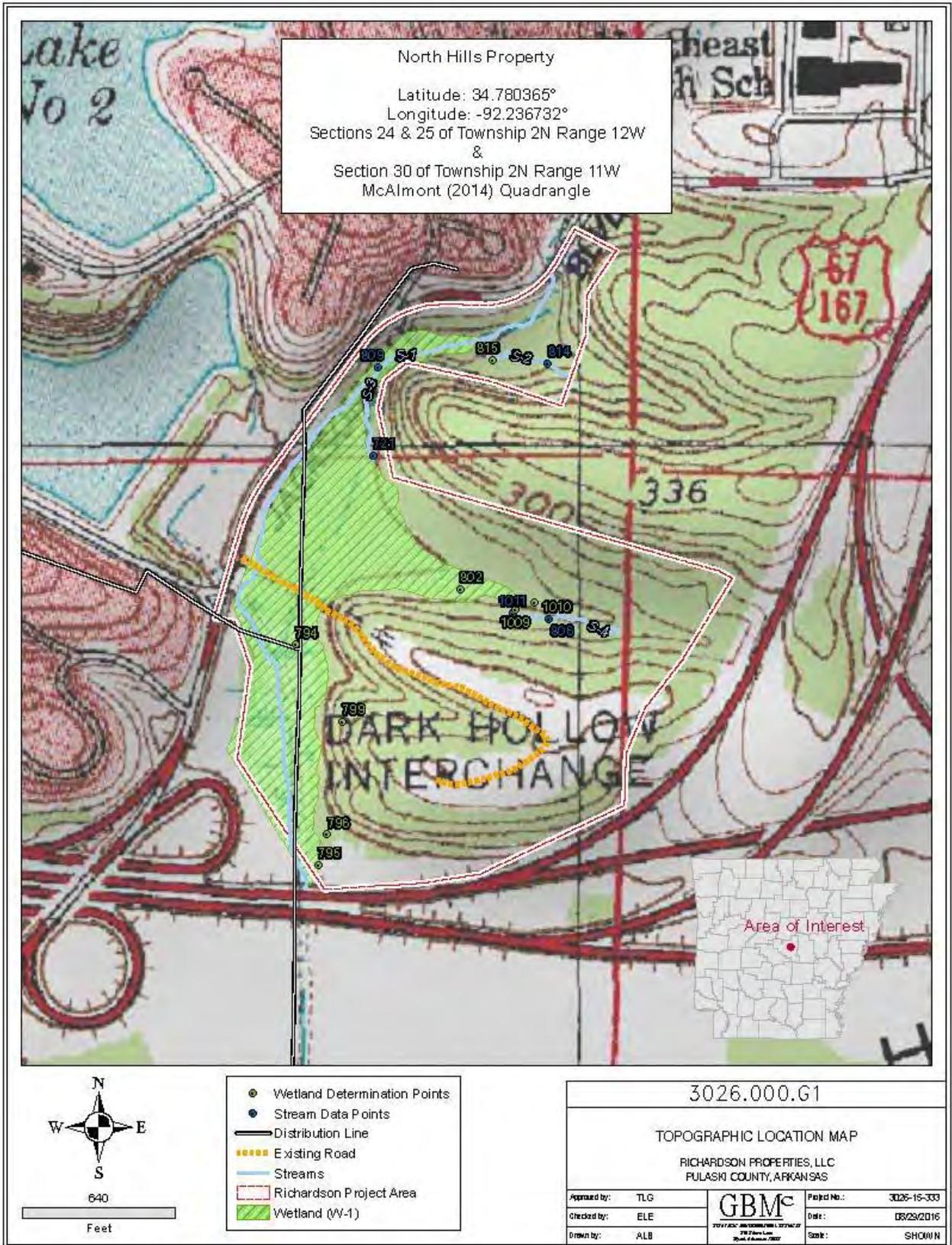
Latitude: **34.78052** Longitude: **-92.23687**

UTM Zone: **15** North: **3848969.3** East: **569823**



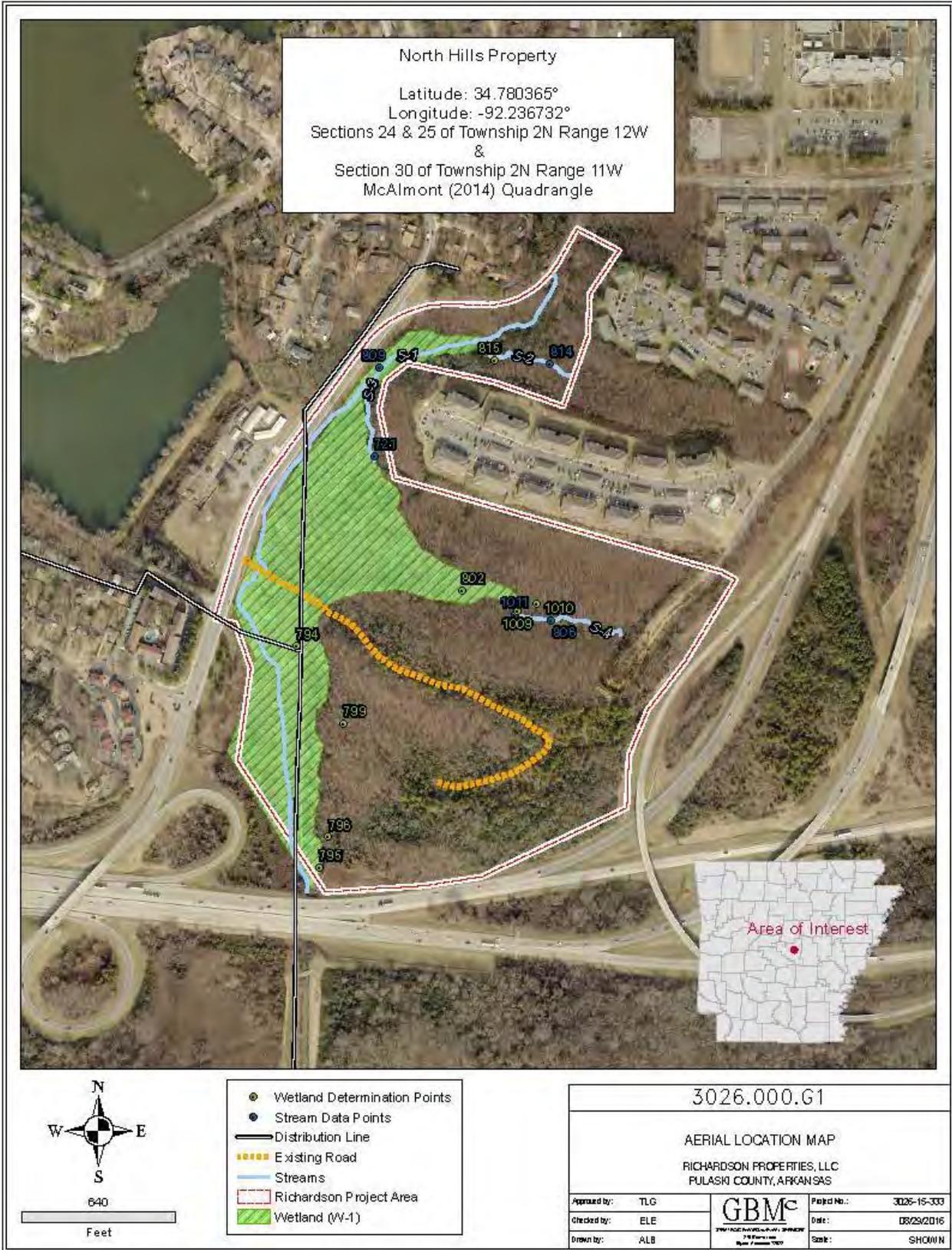
ACTION NO.: 2015-00343
 Richardson Properties, Inc.
 RESIDENTIAL/COMMERCIAL DEVELOPMENT
 Unnamed tributaries and adjacent wetland in North Little
 Rock, Arkansas
 Sections 24 & 25, T. 2 N., R. 12 W.
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Sheet 1 of 4



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