



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL-2016-00057

Date: March 24, 2016

Comments Due: April 18, 2016

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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 project manager, Lisa Boyle, telephone number: (501) 340-1385, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [Lisa.A.Boyle@usace.army.mil](mailto:Lisa.A.Boyle@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. Brandon Huffman  
Panther Branch LLC  
P.O. Box 242840  
Little Rock, Arkansas 72223**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the construction of an approximately 300-unit apartment complex. The proposed project is located in unnamed tributaries to Rock Creek, associated wetlands, and one open water pond, in the NW 1/4 of section 6, T. 1 N., R. 13 W., Little Rock, Pulaski County, Arkansas.

The basic purpose of the project is to provide housing. The overall purpose of the project is a residential development including approximately 300 apartment units in the West Little Rock area. The project is not water dependent.

The proposed apartment buildings are approximately 262 feet wide and 462 feet long and four stories high. They will contain approximately 300 units, 597 parking spaces, with an additional 70 parking spaces in a parking garage. Also incorporated into the complex would be a dog park, two courtyards, a green recycling center, an athletic club, a pool with cabanas, outdoor grills, and a bike repair station associated with a bike sharing program. Impacts to waters of the United States include the fill of approximately 0.19 acres of wetlands, 0.52 acres of open water, and 535 linear feet of ephemeral stream. Approximately 300 linear feet of ephemeral stream (“ephemeral stream D”) will be piped via a 48-inch-diameter pipe. Please see the enclosed figures for more information.

Currently the site is a mixture of forest and open pasture, with a small commercial business. An approximately 0.52-acre pond is present onsite. An ephemeral stream flows from the southeast corner of the site to the pond and continues until it enters wetland B, which has been partially

filled with trash. The stream leaves the wetland area and flows north and under Chenal Parkway into Rock Creek. A portion of the property lies within the 100-year floodplain of Rock Creek.

The surrounding area is moderately to heavily developed with a mixture of single and multi-family residences and commercial properties.

The applicant's report indicates that impacts to waters of the United States were avoided via careful site selection. An alternative site would have resulted in impacts to approximately 900 linear feet of perennial stream. Several configurations for the proposed site were compared, though impacts were nearly identical due to most of the jurisdictional waters being centrally located on the site. Impacts to waters of the United States will be mitigated at a mitigation bank that services the area.

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

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 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 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 **April 18, 2016**. 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: **34.754°N**                      Longitude: **-92.44°W**

UTM Zone: **15**      North: **3845987**                      East: **551166**





