

APPLICATION NO. **2007-00536**

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATE OF ARKANSAS
(25-Day Comment Period)
(Comment Expiration Date – February 2, 2008)

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, Mr. Tim Scott, telephone number: (501) 324-5296, mailing address: Little Rock District Corps of Engineers, Regulatory Office, PO Box 867, Little Rock, Arkansas 72203-0867, e-mail address <mailto:Tim.Scott@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. Lee Edwards
Pleasant Valley Place Subdivision
1932 Oakbrook Drive
Sherwood, AR 72120**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the development of the Pleasant Valley Place Subdivision. The proposed project consists of filling an intermittent stream channel and relocating the channel to the south of the property in order to make the property viable for housing. The proposed project is located in an unnamed tributary, north of Maumelle, in the NW 1/4 of section 21, T. 3 N., R. 13 W., Pulaski County, Arkansas.

The purpose of the project is to relocate the existing intermittent channel along the perimeter of the property to construct an entrance drive and have a reasonable layout of lots for housing.

The authorization would be for filling approximately 2,000 linear feet of intermittent stream channel. The channel meanders through the center of approximately 15.5 acres of property and then flows off the property to the southwest along a railroad track. Approximately 0.23 acres of the stream channel will be filled utilizing approximately 750 cubic yards of fill material. The existing stream has a 6 to 8-foot wide channel and is approximately 3 feet in depth. The channel width at the ordinary high water mark is approximately 3 feet wide and 1.5 feet in depth. The

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applicant proposes to construct a new channel within a 60-foot drainage easement along the south of the property. The applicant proposes to submit a stream mitigation plan for the newly constructed channel that will incorporate in-stream features (riffles, pools, logs, boulder, etc.) into the relocated stream. The plan will also provide for planting trees along the creek for shade and cover.

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

Water Quality Certification. By copy of this public notice, certification is being requested 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 obtained prior to the decision on whether to proceed with the work.

Cultural Resources. The National Register of Historic Places has been consulted; and it has been determined that there are no properties currently listed in the Register, or eligible for inclusion therein, which would be affected by the proposed work. A Corps staff archeologist also will review topographic maps and data on reported sites in the area. If it is determined that further review is not warranted, these reviews will constitute the full extent of cultural resources investigation by this office unless we are made aware, as a result of comments received in response to this notice or by other means, of the existence of specific structures or sites which might be affected by the proposed work.

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 (USF&WS) 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 **February 2, 2008**.

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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

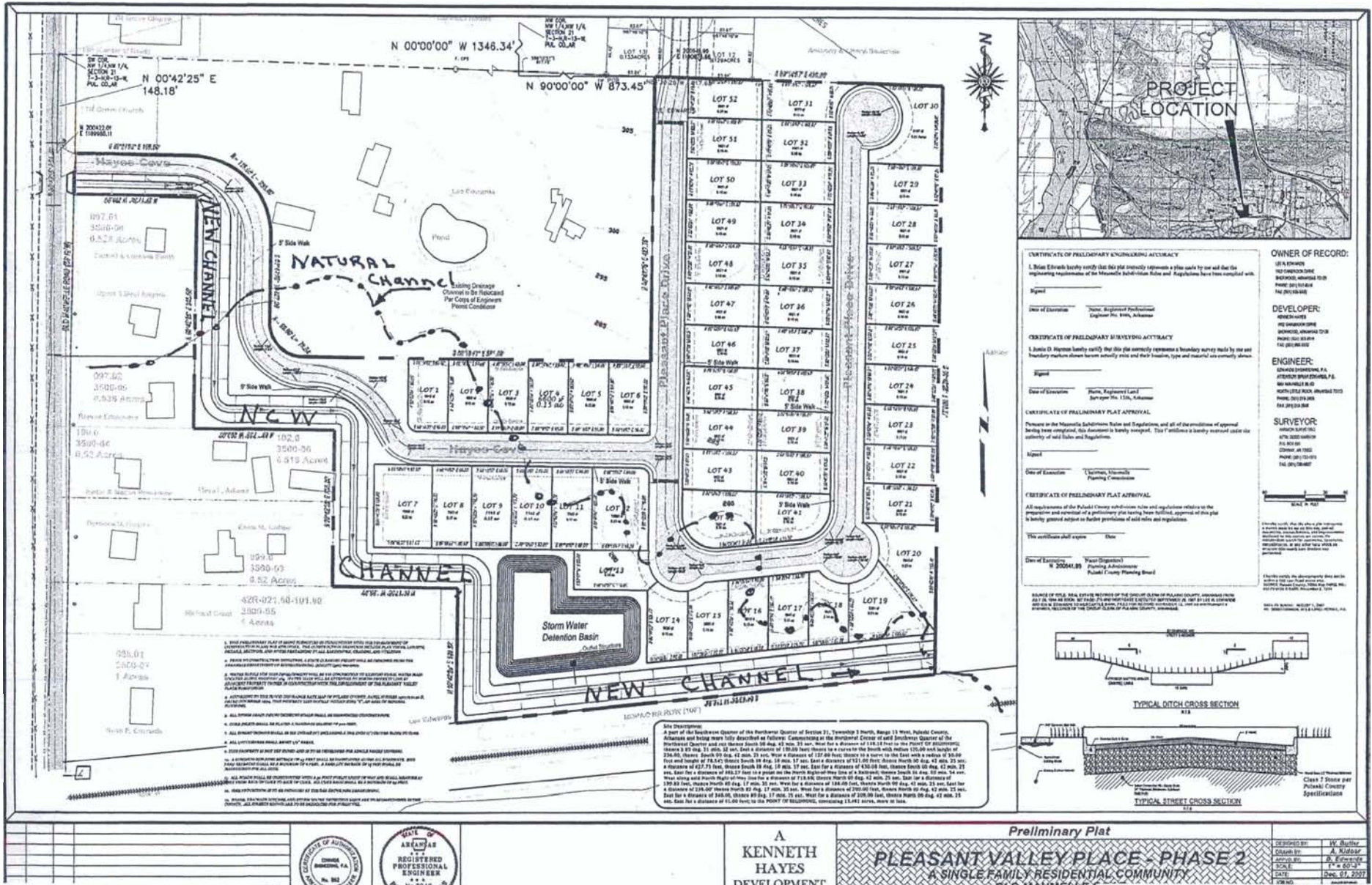
Approximate Coordinates of Project Center

Latitude: **Latitude: 34 88 Longitude -92 41**

UTM Zone: **15 North: 386031 East: 554328**



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Lee Edwards
Pleasant Valley Place Subdivision
Sec 21, T. 3 N., R. 13 W.
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CERTIFICATE OF PRELIMINARY ENGINEERING ACCURACY
 I, Brian Edwards hereby certify that this plat accurately represents a plan made by me and that the engineering requirements of the Arkansas Subdivision Rules and Regulations have been complied with.
 Signed: _____
 Date of Execution: _____
 Title: Registered Professional Engineer No. 5766, Arkansas

CERTIFICATE OF PRELIMINARY SURVEYING ACCURACY
 I, Justin O. Hopton hereby certify that this plan accurately represents a boundary survey made by me and that the boundary markers shown herein accurately show the location, type and material of the corners shown above.
 Signed: _____
 Date of Execution: _____
 Title: Registered Land Surveyor No. 1236, Arkansas

CERTIFICATE OF PRELIMINARY PLAT APPROVAL
 Pursuant to the Arkansas Subdivision Rules and Regulations, and all of the conditions of approval being here completed, this Assessor is hereby notified. This plat is hereby approved under the authority of said rules and Regulations.
 Signed: _____
 Date of Execution: _____
 Title: Assessor, Arkansas Planning Commission

CERTIFICATE OF PRELIMINARY PLAT APPROVAL
 All requirements of the Arkansas Subdivision Rules and Regulations relative to the preparation and execution of a preliminary plat having been fulfilled, approval of this plat is hereby granted subject to further provisions of said rules and Regulations.
 The commission shall expire: _____
 Date: _____
 Date of Execution: _____
 Title: Planning Administrator, Pleasant Valley Planning Board

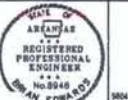
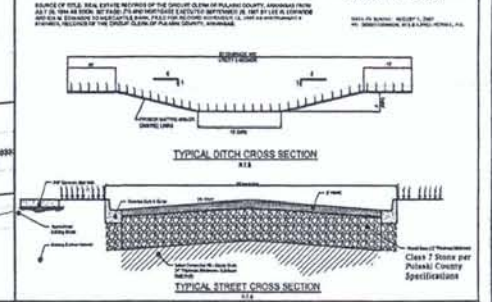
OWNER OF RECORD:
 LEE EDWARDS
 3500-06
 3500-06
 0.519 Acres
 148.18'

DEVELOPER:
 KENNETH HAYES
 3500-06
 3500-06
 0.519 Acres
 148.18'

ENGINEER:
 EDWARDS ENGINEERING, P.A.
 1000 W. STATE ST. SUITE 100
 FORT SMITH, AR 72201
 501.221.3300

SURVEYOR:
 JUSTIN O. HOPTON
 4700 S. STATE ST.
 FORT SMITH, AR 72201
 501.221.3300

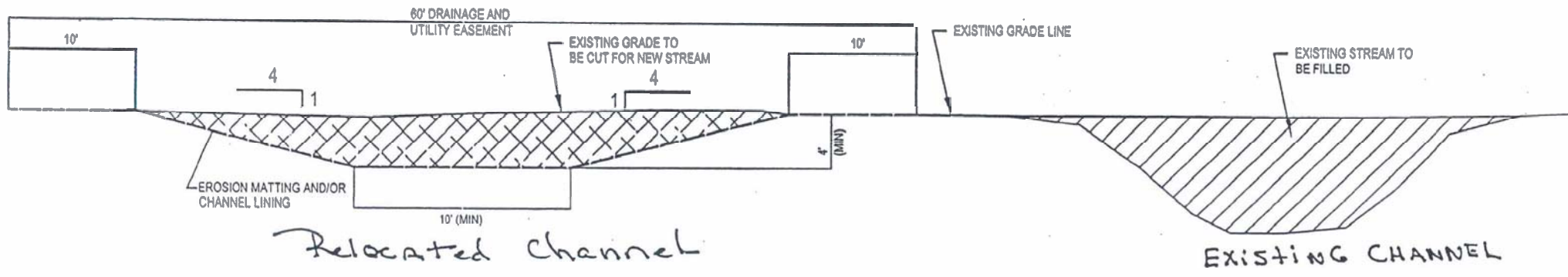
SCALE: 1" = 40'



A
KENNETH HAYES
 DEVELOPMENT

Preliminary Plat
PLEASANT VALLEY PLACE - PHASE 2
 A SINGLE-FAMILY RESIDENTIAL COMMUNITY
 OLD MAUMELLE
 Pleasant Valley Place
 Lee Edwards
 3500-06
 3500-06
 0.519 Acres
 148.18'

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TYPICAL DITCH CROSS SECTION
N.T.S.

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