



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-2020-92
EVALUATOR:	Ms. Kristi Hall
PHONE NO.:	(601) 631-7528
E-MAIL:	Kristina.W.Hall@usace.army.mil
DATE:	June 23, 2020
EXPIRATION DATE:	July 14, 2020

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and / or fill material into waters of the United States.

Name of Applicant:
Mr. Keith Richardson
Riverpointe Development, LLC
9800 Maumelle Drive
North Little Rock, Arkansas 72113

Name of Agent:
Mr. Greg Phillips
GBMc & Associates
219 Brown Lane
Bryant, Arkansas 72022

Location of Work: Section 19, T3S- R19W, Latitude 34.4555, Longitude -93.0832, within the Lake Hamilton watershed (8-digit USGS HUC 08040101) Hot Springs, Garland County, Arkansas.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional waters of the United States, including wetlands, for the purpose of constructing a 109-acre commercial and multifamily residential development. The commercial development would be found on the southern end of the property near Higdon Ferry Road (State Route 88) and the residential development would be found in the center of the property. The project would construct approximately 120,000 square feet of commercial development, 105,000 square feet of office space, 70,000 square feet of mini-storage, approximately 670 residential units as well as attendant features such as walking trails, dog park, clubhouse, landscape, parking, lighting and utilities. A boulevard would be constructed between Higdon Ferry Road and Two Points Road providing access to the development.

The project would result in the fill of 0.81 acres of wetlands and impacts to 3,818 linear feet of stream. Stream impacts would include the filling of 2,803 linear feet of ephemeral stream, and 28 linear feet of intermittent stream, the re-routing of 481 linear feet of ephemeral stream, and 181 linear feet of intermittent stream, and the culverting of 6 linear feet of ephemeral stream, and 319 linear feet of intermittent stream. The majority of aquatic resources are found in a low elevation area between the commercial and residential development. This area would be kept as a natural area with recreational trails.

The vegetative communities within the project area are dominated by young forested areas. The forest is mostly young deciduous forest dominated by oak, hickory and elm species. The site is hilly, and slopes generally to the property center with most of it draining ultimately through the intermittent stream system out to the southwest. The streams drain to Lake Hamilton which is approximately 0.9 miles away. Soil within the project site consists of Bismarck-Clebit-Sherless complex, 3 to 8 percent slopes (hydric rating of 0), Bismarck-Sherless-Clebit complex, 8 to 12 percent slopes (hydric rating of 0), Bismarck-Sherless-Clebit complex, 12 to 30 percent slopes (hydric rating of 0), and Bonnerdale fine sandy loam, occasionally flooded (hydric rating of 10). Hydric ratings are determined by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a commercial mitigation bank, which services the project area.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

Endangered Species: According to the U.S. Fish and Wildlife Service's iPac site the following species may be found within the project area: Northern long-eared bat, Black rail, Piping Plover, Red knot, and Missouri bladderpod. A no effect determination has been made for the Black rail, Piping Plover, Red knot, and Missouri bladderpod. The Corps has determined that this project may affect the Northern long-eared bat, but that any resulting incidental take of the Northern long-eared bat is not prohibited by the final 4(d) rule.

Floodplain: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project is completely located outside the 100 year floodplain.

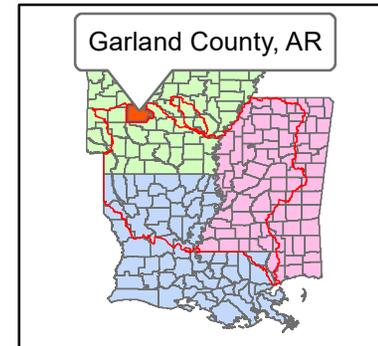
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

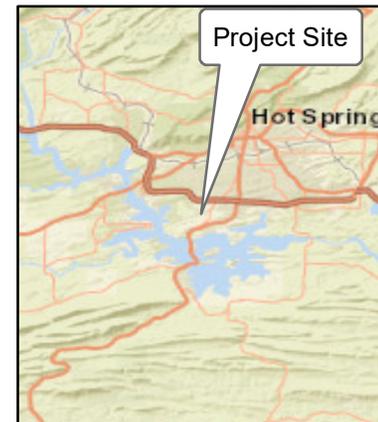
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Thomas A. McCabe
Chief, Evaluation Section
Regulatory Branch



17 June 2020
MVK-2020-92
 Jurisdictional Determination
 Keith Richardson
 Riverpointe Development, LLC
 Garland County, AR
**Preliminary
 Jurisdictional Determination**
 Prepared by
 Arel Simpson



Regulatory Branch
Enforcement Section

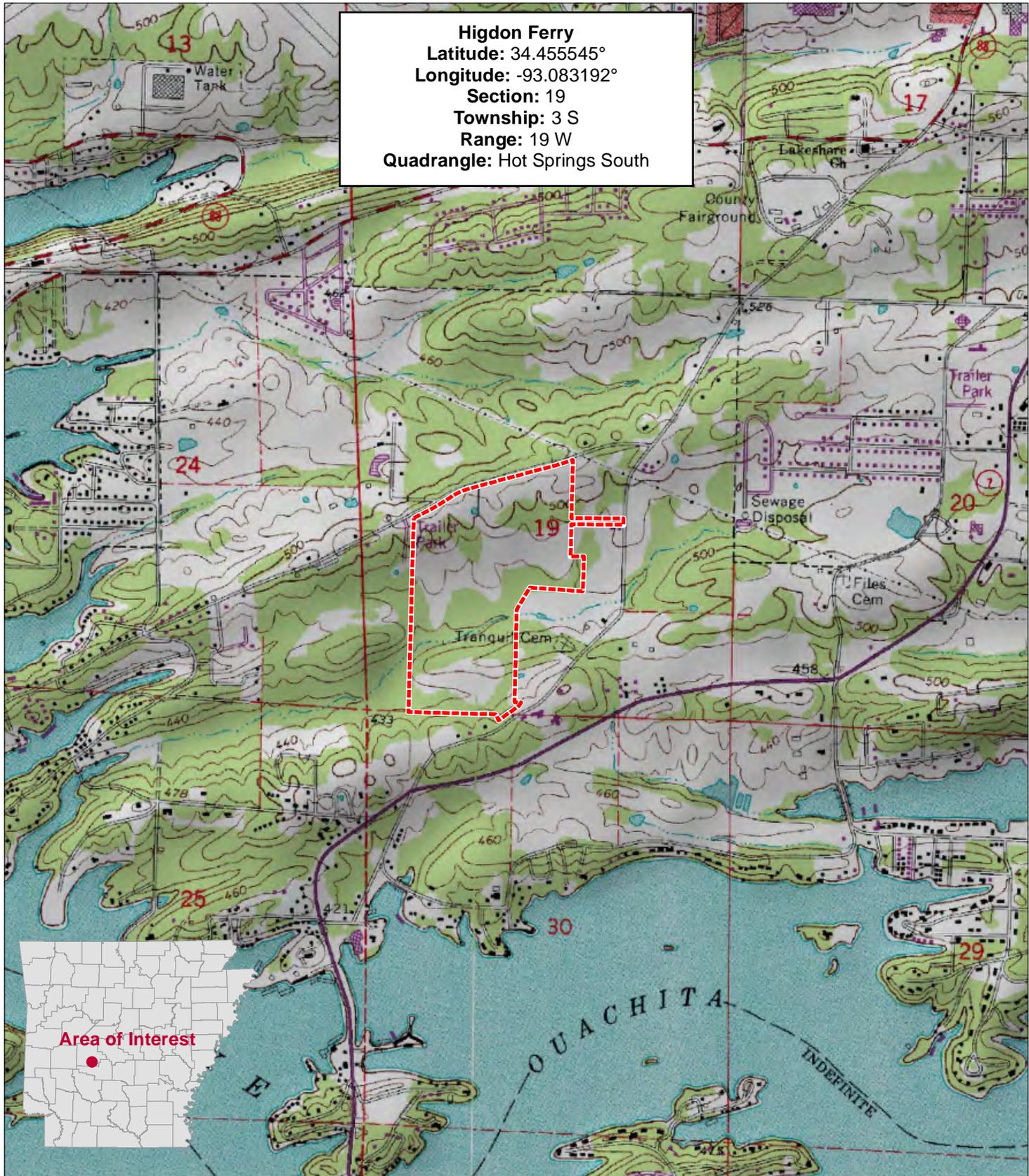
0 165 330 660 Feet

Enclosure 1

There are jurisdictional waters of the U.S. within the project boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S. will require a permit.

Legend	
	Project Boundary (108.27 Acs.)
	Jurisdictional Ephemeral Streams (4,794 L.F.)
	Jurisdictional Intermittent Streams (2,325 L.F.)
	Jurisdictional Ponds (0.91 Ac.)
	Jurisdictional Wetlands (2.04 Acs.)

Higdon Ferry
 Latitude: 34.455545°
 Longitude: -93.083192°
 Section: 19
 Township: 3 S
 Range: 19 W
 Quadrange: Hot Springs South



2,100

Feet

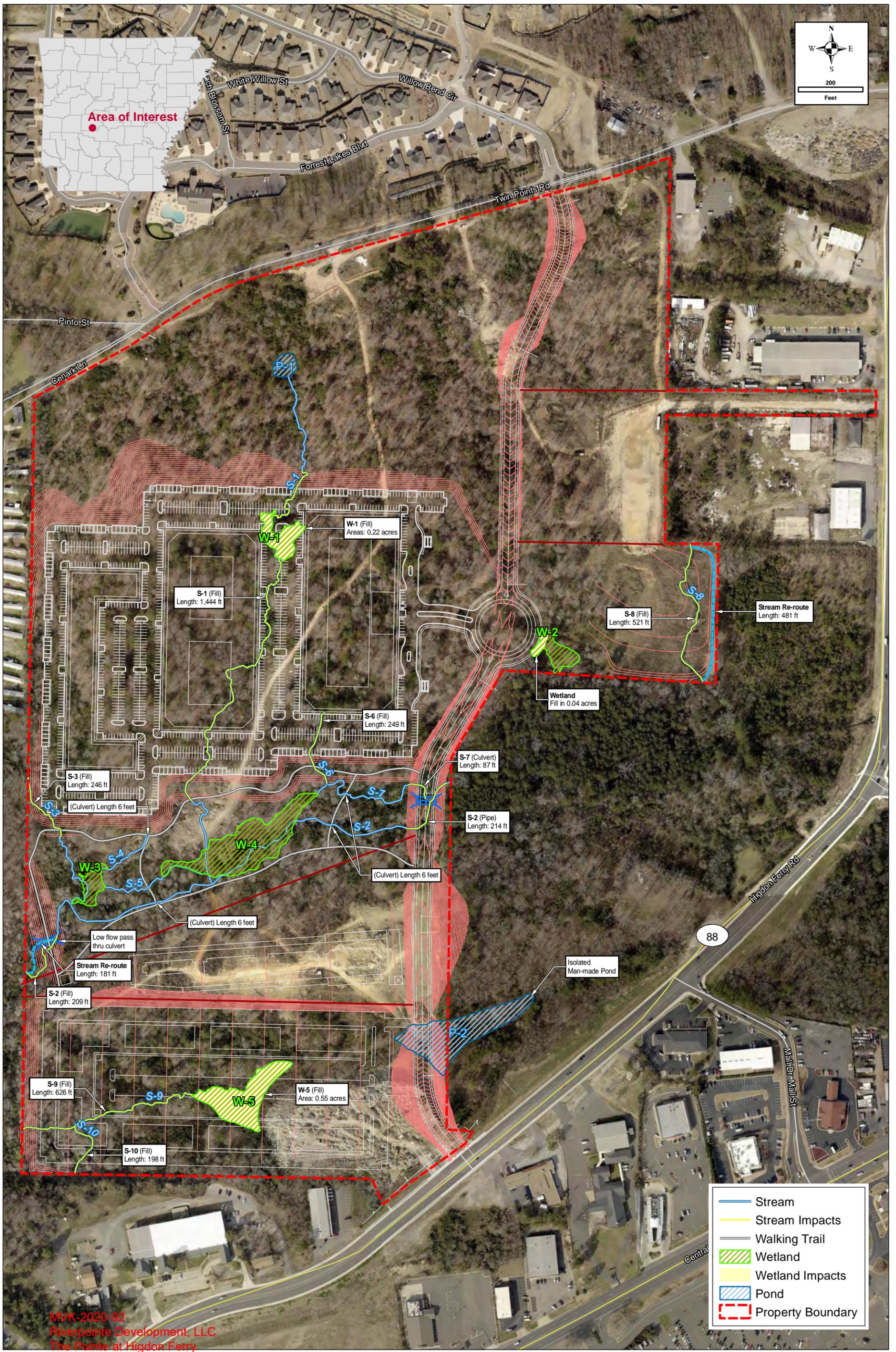
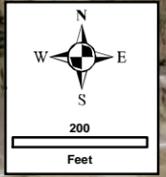
Property Boundary

MVK-2020-92
 Riverpointe Development, LLC
 The Pointe at Higdon Ferry

3026.000.00

HIGDON FERRY
 TOPOGRAPHIC LOCATION MAP
 RICHARDSON PROPERTIES, LLC.
 GARLAND COUNTY, ARKANSAS

Approved by:	GLP		Project No.:	3026-19-301
Checked by:	SJH		Date:	01/06/2020
Drawn by:	ALB		Scale:	SHOWN



MAK-2020-02
 Riverpointe Development, LLC
 The Pointe at Higdon Ferry

DESIGNED BY	SJH				
CHECKED BY	SJH				
APPR. BY	GLP				
DRAWN BY	IT				
NO	DATE	REVISION	BY	CK	APPR.



SHEET TITLE
AERIAL MAP

JOB NAME
 HIGDON FERRY
 JURISDICTIONAL DETERMINATION
 RICHARDSON PROPERTIES, LLC.
 GARLAND COUNTY, ARKANSAS

PROJECT NO.	3026-19-301	REV. NO.	
DATE	01/30/2020	DWG. NO.	S1
SCALE	SHOWN		