



**US Army Corps  
of Engineers**

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



# Public Notice

<b>APPLICATION NO.:</b>	<u>MVK-2021-869</u>
<b>EVALUATOR:</b>	<u>Ms. Jennifer Brown</u>
<b>PHONE NO.:</b>	<u>(601) 631-5147</u>
<b>E-MAIL:</b>	<u>Jennifer.G.Brown@usace.army.mil</u>
<b>DATE:</b>	<u>September 7, 2022</u>
<b>EXPIRATION DATE:</b>	<u>September 28, 2022</u>

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-RD, and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, 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 responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority) and the Corps of Engineers has notified the certifying agency of the reasonable period of time for them to act upon the certification.

**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. Blake Wiggins  
Wiggins Family Real Estate Holdings, LLC  
120 North Spring Street  
Searcy, Arkansas 72143

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

**Location of Work:** Sections 29 and 32, T1S-R14W, Latitude 34.598476, Longitude -92.523766, within the Hurricane Creek Drainage Basin (8-digit USGS HUC 08040203), Saline 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 “waters of the United States” (waters of the U.S.) for the purpose of constructing a new residential subdivision in Bryant, Arkansas. The development would provide new single-family residences in a fast-growing area of Saline County, Arkansas. The development would encompass approximately 64 acres (most of which is currently maintained as pastureland).

Impacts to waters of the U.S. are proposed to allow levelling of the land, installing utilities, addressing erosion control, and providing drainage. An approved jurisdictional determination was performed by our office which found three impoundments to be non-jurisdictional.

Regulated impacts to jurisdictional waters and wetlands are proposed as follows:

- Fill 2.78 acres of forested wetlands (0.49 impounded)
- Fill 0.47 acres of emergent wetlands
- Fill 161 linear feet of an intermittent stream (rerouted for final channel length of 699LF)
- Fill 1001 linear feet of ephemeral streams
- Impound 98 linear feet of ephemeral streams

The Applicant proposes to purchase the required compensatory mitigation credits from a USACE Vicksburg District approved mitigation bank.

The dominant wetland vegetation within the project area consists of sweetgum (*Liquidambar styraciflua*), American hophornbeam (*Ostrya virginiana*), red maple (*Acer rubrum*), false nettle (*Boehmeria cylindrica*), lizard's tail (*Saururus cernuus*); Dallis grass (*Paspalum dilatatum*), red top panicgrass (*coelestina rigidula*), velvet panicum (*Dichanthelium scoparium*) and Virginia buttonweed (*Diodia virginiana*). Soils within the project area consists of Savannah fine sandy loam, Smithdale loamy sand, and Amy-Gourdon complex.

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 Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties. A historic properties investigation has been conducted within the permit area. No sites determined to be eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

**Endangered Species:** The Threatened and Endangered Species list gained via the U.S. Fish and Wildlife Service's Information for Planning and Consultation Tool for the project area includes: Eastern Black Rail, Piping Plover, Red Knot, Pink Mucket, Rabbitsfoot, and Winged Mapleleaf. The Corps has determined that the proposed activity would have no effect on these species as the project location does not contain suitable habitat for either species.

**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 not located within 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>.

Bryan Williamson  
Chief, Permit and Evaluation Branch  
Regulatory Division



**17. DIRECTIONS TO THE SITE**

From Vicksburg, MS travel to Bryant, AR. Take exit 121 and continue on I-30 Frontage Rd to Alcoa Road. Turn south on Alcoa Road and continue approximately 0.7 miles to Boone Road. Continue on Boone Road approximately 0.5 miles to the intersection of Boone Road and Mt. Carmel Road. The project site encompasses approximately 64-acres on the northeastern side of this intersection.

**18. Nature of Activity (Description of project, include all features)**

The project work will involve grading and filling the land to construct a residential subdivision in Bryant, AR. The Villages at Magnolia Lane will encompass approximately 64 acres that have previously been maintained as mostly pasture land. Mechanized land clearing, grading, road construction, and residential home construction will take place using suitable equipment (excavators, dump trucks, bulldozers, etc.). An estimated 3.25 acres of wetlands will be impacted by fill and impoundment (does not include 0.46 ac of wetlands likely isolated and non-jurisdictional). An AJD request has been submitted to determine the status of the wetlands (MVK-2021-869). Approximately 132 ft of intermittent stream and 1001 ft of ephemeral stream will be impacted by fill. An additional 96 ft of ephemeral stream will be impacted by impoundment. Approximately 699 ft of stream will be rerouted to reduce overall impacts. Implementation of erosion and sediment controls at the site will minimize or eliminate additional impacts and will protect water quality in downstream waters. Please refer to the site map in Appendix A for existing wetland and stream locations and proposed areas to be impacted. Impacts to the wetlands will be mitigated through the purchase of credits from an approved Mitigation Bank. No mitigation is anticipated for impacts to ephemeral streams.

**19. Project Purpose (Describe the reason or purpose of the project, see instructions)**

The purpose of the project is to construct a new residential subdivision in Bryant, AR off of Boone Road. The development will provide new residences in a fast growing area of Saline County and the state of Arkansas. Impacts associated with the project are required to level the land for building, address soil/erosion control, and provide drainage and utility access to the property.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

**20. Reason(s) for Discharge**

Fill material (mostly soil) will be placed in waterbodies during grading and sloping activities in order to achieve the design grade. A construction site storm water pollution prevention plan will be implemented to prevent and minimize transport to downstream waters not receiving fill material.

**21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:**

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Clean earthen fill, rock, concrete - 140,307	No fill (impoundment) - 21,382	

**22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)**

Acres 3.25 acres (does not include 0.46 acres believed to be isolated and non-jurisdictional)

or

Linear Feet 132 ft of int. stream (impound), 1097 ft of eph. stream (impound and fill), 699 ft of stream relocation to reduce total stream loss

**23. Description of Avoidance, Minimization, and Compensation (see instructions)**

Land use adjacent to the site includes a residential development to the north, a forested area to the east, and rural houses to the south and west. Available land for subdivision development in the Benton/Bryant area is minimal. The central location of this property and being 94% upland makes this a quality site. A stream reroute of 699 ft will reduce overall stream impacts to 530 ft (all ephemeral). It is anticipated mitigation will only be required for Wetlands W-1, W-2, and W-4. Wetlands W-3, W-5, and W-6 may be considered isolated waters. Impacts to jurisdictional waters will be mitigated through the purchase of credits from an approved mitigation bank in the USACE Vicksburg District.

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

a. Address- Michael and Pamela Teeter, 3736 Mt. Carmel Road

City - Bryant State - AR Zip - 72022

b. Address- James and Michelle Overby, 3914 Mt. Carmel Road

City - Bryant State - AR Zip - 72022

c. Address- Titan General Contractors, LLC, 204 Woodland Drive

City - Bryant State - AR Zip - 72022

d. Address- Danny and Donna Anderson Living Trust, 298 West Lawson Road

City - Alexander State - AR Zip - 72002

e. Address- David and Pamela Peterson, 3832 Mt. Carmel Road

City - Bryant State - AR Zip - 72022

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
USFWS	T&E IPaC 04ER1000	2022-SLI-0278	2021-12-08	2021-12-08	

\* Would include but is not restricted to zoning, building, and flood plain permits

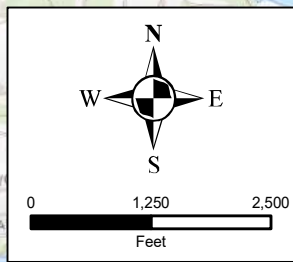
27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.



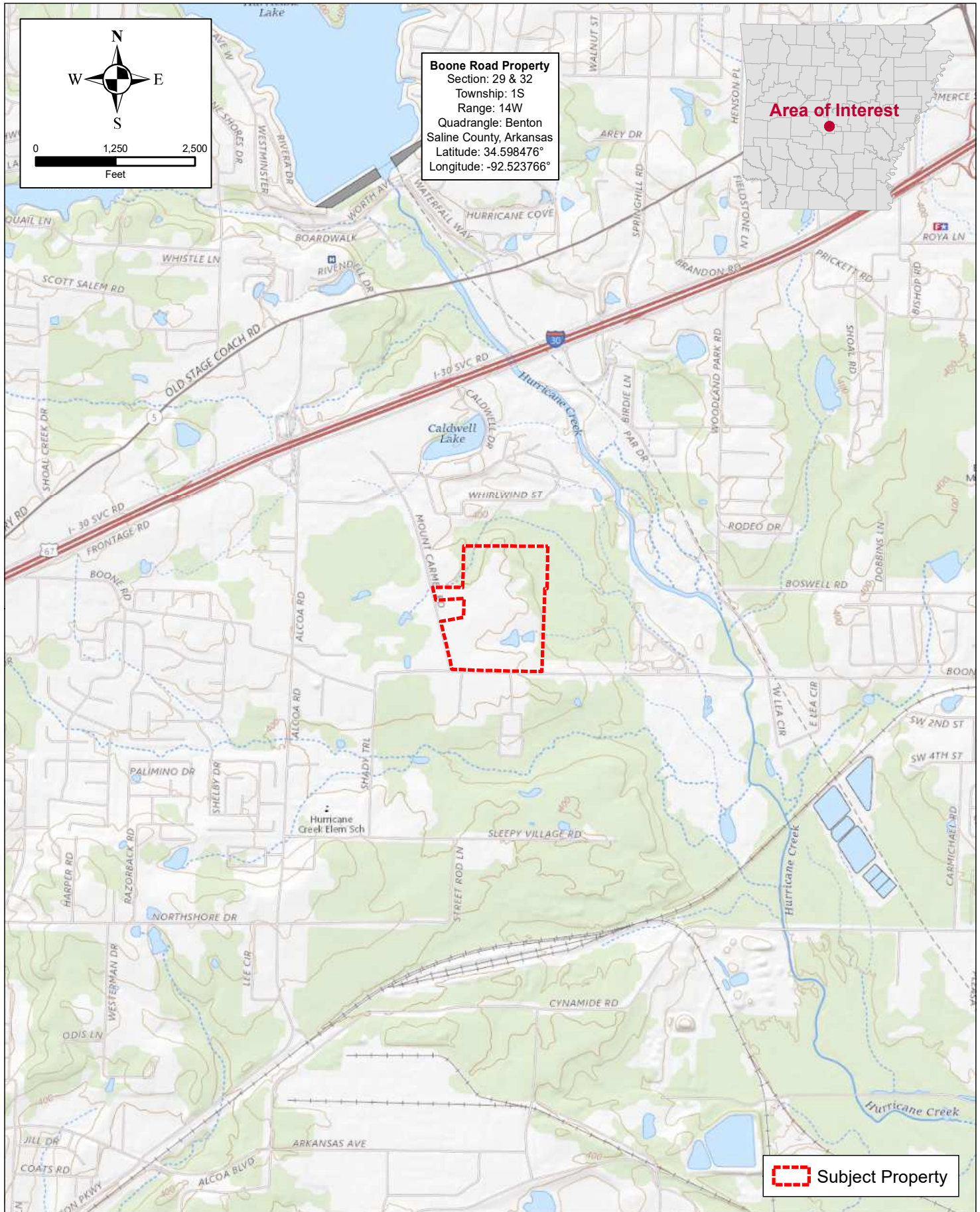

SIGNATURE OF APPLICANT      DATE      SIGNATURE OF AGENT      DATE


The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



**Boone Road Property**  
 Section: 29 & 32  
 Township: 1S  
 Range: 14W  
 Quadrangle: Benton  
 Saline County, Arkansas  
 Latitude: 34.598476°  
 Longitude: -92.523766°



 Subject Property

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

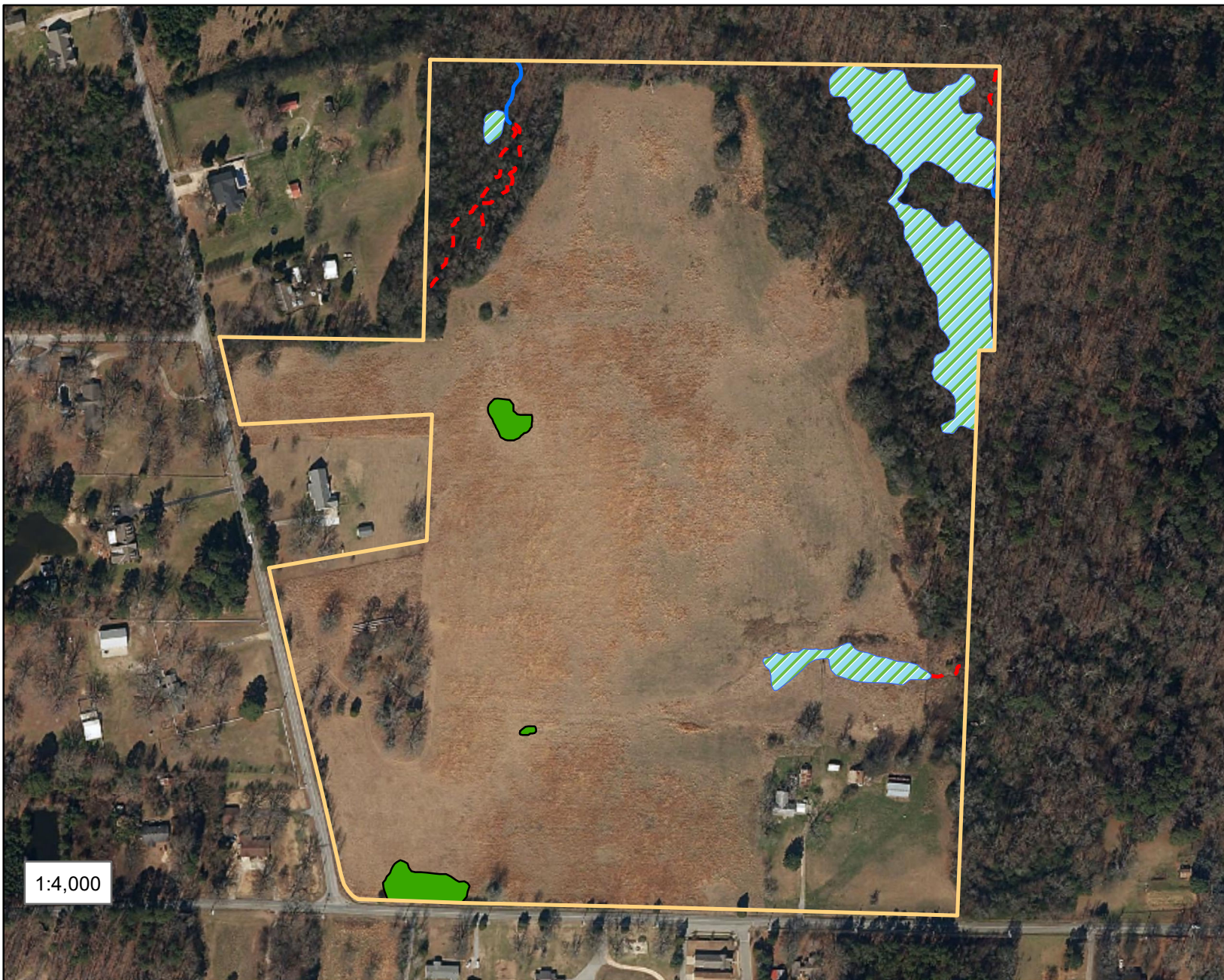


SHEET TITLE  
**TOPOGRAPHIC  
 LOCATION MAP**

JOB NAME  
**BOONE ROAD PROPERTY  
 JURISDICTIONAL DETERMINATION**  
 HOPE CONSULTING  
 SALINE COUNTY, ARKANSAS

PROJECT NO. 3155-21-301	REV. NO.
DATE 08/30/2021	DWG. NO.
SCALE SHOWN	





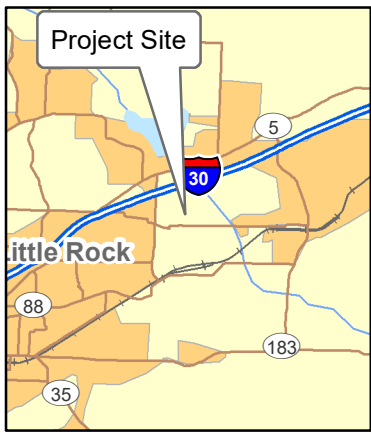
There are jurisdictional waters of the U.S. within the project boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S. will require a permit.

**Legend**

- Project Boundary (64.05 Acs.)
- Intermittent Streams (264 L.F.)
- Isolated Wetlands (0.45 Ac.)
- Jurisdictional Wetlands (3.30 Acs.)
- - - Ephemeral Streams (1,142 L.F.)



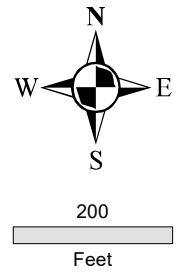
7 July 2022  
**MVK-2021-869**  
 Jurisdictional Determination  
 Boone Road Property  
 Bryant, Saline County, AR  
**Approved**  
**Jurisdictional Determination**  
 Prepared by  
 Arel Simpson



**US Army Corps of Engineers**  
 Regulatory Division  
 Enforcement & Compliance Branch

0 100 200 400 Feet

Enclosure 1



- Intermittent Stream
- Ephemeral Stream
- Stream Reroute
- Impacted Streams
- Project Boundary
- Presumed Isolated Wetlands
- Wetlands
- Impacted Wetlands**
- Fill
- Impound

NO	DATE	REVISION	BY	CK.	APPR.

DESIGNED BY: TLG  
 CHECKED BY: TLG  
 APPR. BY: TLG  
 DRAWN BY: IT



SHEET TITLE: **IMPACTS MAP**

JOB NAME: **THE VILLAGES AT MAGNOLIA LN SUBDIVISION  
 PRE-CONSTRUCTION NOTIFICATION**  
 HOPE CONSULTING  
 SALINE COUNTY, ARKANSAS

PROJECT NO. 3155-21-301	REV. NO.
DATE 12/16/2021	
SCALE SHOWN	DWG. NO.