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U.S. Army Corps of Engineers (Little Rock District) Notice of 404 Permit Application – Multi-business Commercial Development – Russellville, Arkansas

Arkansas Environmental, Energy, and Water Law Blog

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The United States Army Corps of Engineers (Little Rock District) (“Corps”) issued a September 13th Public Notice referencing the Roosa Corporation’s Section 404 application for the placement of dredged and fill material in waters of the United States described as being associated with:

...the construction of a 70-acre multi-business commercial development, consisting of a grocery store, eateries, movie theater, lodging, and retail shopping centers.

The proposed project would be located in streams, open waters and wetlands associated with Prairie Creek in Russellville, Arkansas.

The Public Notice states that the proposed project would impact (fill) and relocate approximately 1,843 linear feet of jurisdictional intermittent streams; fill approximately 474 linear feet of jurisdictional ephemeral streams, 1.55 acres of jurisdictional wetlands, and 4.15 acres of jurisdictional open waters. Water flow is stated to enter the project area from the north through ephemeral and intermittent streams. The ephemeral and intermittent streams flow into the wetlands and open waters and then back into one of the intermittent streams that flow into Prairie Creek and then south into Lake Dardanelle.

The basic purpose of the project is stated to be the construction of a commercial development. The overall purpose of the project is stated to be necessary to meet demand for a multi-business commercial development to service Russellville and surrounding areas. The project is designated non water dependent.

The applicant is stated to have investigated other alternative project sites in the proximity of the proposed site. It further states that the applicant concluded the other sites would not allow the complete development, were not available, or were cost prohibitive due to land costs. The applicant is stated to have owned the current property for approximately 10 years and altered the layout of the residential development to reduce the amount of ephemeral streams that will be permanently lost.

Mitigation in the form of avoidance is stated to have been deemed impractical by the applicant due to the need to provide access to the west portion of the project area. Further, minimization is stated impractical at the project site due to the location of waters of the United States. Design layouts to

minimize impacts are stated to result in the project being cost prohibitive due to reduction in project square footage.

Compensatory mitigation requirements for impacts to the streams, open waters and wetlands will be assessed utilizing the 2011 Little Rock District Stream Method and the 2001 Charleston Method. The applicant is stated to be proposing to mitigate for unavoidable impacts by purchasing credits from a Corps approved mitigation bank that services the area or off-site permittee responsible mitigation. A detailed compensatory mitigation plan will be required to be submitted to the Corps before any decisions is made to issue or deny the permit.

[A copy of the Public Notice can be downloaded here.](#)