



2023061883

PRESENTED: 11-21-2023 02:39:05 PM RECORDED: 11-21-2023 02:54:26 PM

In Official Records of Terri Hollingsworth Circuit/County Clerk
PULASKI CO, AR FEE \$135.00



This instrument prepared by:

James C. Clark, Jr.
Friday, Eldredge & Clark
400 West Capitol, Suite 2000
Little Rock, AR 72201

FIRST SUPPLEMENT TO BILL OF ASSURANCE

This First Supplement to Bill of Assurance executed this 16th day of November, 2023, is made by PotlatchDeltic Real Estate, LLC (“PotlatchDeltic,” also “Developer” or “Declarant”) as hereinafter set forth:

WHEREAS, Developer caused to be filed in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County, Arkansas, that certain Bill of Assurance to Chenal Valley, an addition to the City of Little Rock, Arkansas, on October 12, 2022, Instrument No. 2022070182 (the “Bill of Assurance”) creating the Abington Court Neighborhood;

plat # 2023061884

WHEREAS, paragraph 1 of the Bill of Assurance specifically provides that the Developer has the right to bring within the plan and the Bill of Assurance additional properties provided such properties are in accord with the general plan of development and may contain such complementary additions and modifications of the provisions of the Bill of Assurance necessary to reflect the different character, if any, of the added properties; and

WHEREAS, Developer files this First Supplement to Bill of Assurance for the purpose of adding additional property to the Abington Court Neighborhood, which property is owned by the Developer and is described as follows:

A TRACT OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 24, AND A PART OF THE NORTHEAST 1/4 OF SECTION 25, ALL IN T-2-N, R-14-W, PULASKI COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT C, BLOCK 137, CHENAL VALLEY, KNOWN AS ABINGTON COURT, AN ADDITION TO THE CITY OF LITTLE ROCK, ARKANSAS (PER PLAT RECORDED AS INSTRUMENT NUMBER 2022070181), SAID POINT ALSO BEING A POINT ON THE NORTHERN RIGHT-OF-WAY OF ABINGTON DRIVE OF SAID ADDITION; THENCE NORTHERLY ALONG SAID TRACT, N03°34'47"E, 33.91 FEET; THENCE LEAVING SAID TRACT N28°28'53"E, 145.90 FEET; THENCE S77°05'00"E, 81.55 FEET; THENCE S64°26'27"E, 393.30 FEET; THENCE S51°57'31"E, 352.24 FEET; THENCE S58°17'11"E, 812.68 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF TRACT 209, (UNRECORDED), CHENAL VALLEY; THENCE CONTINUING SOUTHWESTERLY ALONG SAID BOUNDARY LINE, S21°37'17"W, 299.22 FEET TO A POINT BEING THE SOUTHWEST CORNER OF SAID TRACT 209; THENCE

LEAVING SAID BOUNDARY, S24°03'02"W, 367.84 FEET; THENCE N58°17'11"W, 148.98 FEET; THENCE S61°29'22"W, 420.44 FEET; THENCE N53°43'30"W, 580.26 FEET TO A POINT BEING THE SOUTHEAST CORNER OF TRACT B, BLOCK 137 OF SAID ABINGTON COURT ADDITION AND THE NORTHEAST CORNER OF TRACT B, FALSTONE COURT SUBDIVISION. THENCE CONTINUING ALONG THE BOUNDARY OF SAID ABINGTON COURT ADDITION THE FOLLOWING COURSES: 1) N62°04'04"E, 211.59 FEET; 2) N34°46'54"E, 130.00 FEET; 3) S55°13'06"E, 41.62 FEET; 4) 34°46'54"E, 175.00 FEET; 5) N55°13'06"W, 430.00 FEET; 6) N15°07'20"E, 123.38 FEET; 7) N52°03'45"W, 42.07 FEET; 8) N74°52'40"W, 91.22 FEET; 9) N15°07'20"E, 43.43 FEET; 10) ALONG THE ARC OF A 177.50 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N22°05'45"E, 43.10 FEET; 11) N29°04'10"E, 42.94 FEET; 12) ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N74°04'10"E, 35.36 FEET; 13) S60°55'50"E, 3.00 FEET; 14) N29°04'10"E, 50.00 FEET; 15) N60°55'50"W, 246.30 FEET; 16) ALONG THE ARC OF A 275.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF N71°41'40"W, 102.72 FEET TO THE POINT OF BEGINNING, CONTAINING 30.1170 ACRES MORE OR LESS.

shown on the Plat hereinafter mentioned, as Lots 20–45, Block 137, Lots 1-11, Block 138, Tract D, Block 137 and Tract E, Block 138, Chenal Valley, an Addition to the City of Little Rock, Arkansas (which property together with the property described in the Bill of Assurance is hereinafter referred to as the "Abington Court Neighborhood"); and Developer has caused to be incorporated Abington Court Property Owners Association, Inc., for the purpose of administering the maintenance of the common area tracts, pedestrian paths, secondary emergency access, and amenities in the Abington Court Neighborhood and Chenal Valley Property Owners Association, Inc. for the purpose of administering the maintenance of the common area tracts and amenities of Chenal Valley;

WHEREAS, all owners of lots within the Abington Court Neighborhood are members of Abington Court Property Owners Association, Inc. as provided for in the Bill of Assurance, as amended, and members of Chenal Valley Property Owners Association, Inc. as provided for in the Covenants and Restrictions filed November 22, 1989, in the Office of the Circuit Clerk of Pulaski County, Arkansas, as Instrument No. 89-61706, as amended (the "Covenants and Restrictions"); and

WHEREAS, it is deemed advisable that all of the property shown on the plat hereinafter mentioned be subdivided into building lots, tracts and streets as shown on the Plat filed herein, and that said property be held, owned and conveyed subject to the protective covenants contained in the Covenants and Restrictions and Bill of Assurance, as amended, in order to enhance the value of the Abington Court Neighborhood.

NOW, THEREFORE, Developer for and in consideration of the benefits to accrue to it, its successors and assigns, which benefits it acknowledges to be of value has caused to be made a plat showing a survey made by Zane Robbins, Registered Land Surveyor, dated 11/16/2023, and bearing a Certificate of Approval executed by the Department of Comprehensive Planning of the City of Little Rock, and showing the boundaries and dimensions of the property now being subdivided into lots, tracts and streets (the "Plat").

PotlatchDeltic hereby donates and dedicates to the public an easement of right-of-way on, over and under the streets and right-of-way reflected on said Plat to be used as public streets. There are certain easements for drainage and utilities as reflected more particularly on the Plat which PotlatchDeltic hereby donates and dedicates to and for the use of public utilities ("Public Utilities") in accordance with further terms and conditions of this First Supplement to Bill of Assurance, the same being, without limiting the generality of the foregoing, electric power, gas, water, storm drainage, sanitary sewer and telecommunications with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utilities to use and occupy such easements, and to have free ingress and egress therefrom for the installation, maintenance, repair and replacement of such utility services.

ALL DRAINAGE EASEMENTS ARE TO REMAIN UNOBSTRUCTED BUT FENCES MAY BE CONSTRUCTED IN EASEMENTS NOT MARKED "FOR OVERLAND FLOW".

The use of the area designated on the Plat as Tract E, Block 138, Chenal Valley, an addition to the City of Little Rock, Arkansas, is hereby donated and dedicated by PotlatchDeltic to the owners, as they may exist from time to time, of lots within the Abington Court Neighborhood with the right, subject to further terms and conditions of the Plat, Bill of Assurance, and Covenants and Restrictions, to use these areas for landscaping, drainage, storm drainage and electric, and the Abington Court Property Owners Association, Inc. shall maintain all above ground areas and improvements at its sole cost except for public utility improvements which are maintained by such public utility. **NOTWITHSTANDING THE ABOVE, THE CITY OF LITTLE ROCK SHALL MAINTAIN ALL UNDERGROUND STORM DRAINAGE FACILITIES WITHIN THE TRACT.** No improvements by any party shall be placed on the area designated as Tract E, Block 138, Chenal Valley, an addition to the City of Little Rock, Arkansas, unless first approved by PotlatchDeltic, the appropriate agencies of the City of Little Rock, if necessary, Abington Court Property Owners Association, Inc. and the Architectural Control Committee established pursuant to the Covenants and Restrictions of Chenal Valley.

Subject to the terms and conditions of the Plat, the Bill of Assurance, Covenants and Restrictions, as amended, and the restrictions of the U.S. Corps of Engineers described hereafter, the use of the area designated on the Plat as Tract D, Block 137, Chenal Valley, an addition to the City of Little Rock, Arkansas, is further hereby donated and dedicated by PotlatchDeltic to the owners, as they may exist from time to time, of lots within the Abington Court Neighborhood with the right to use the area for drainage, storm drainage, storm water detention, water, secondary emergency access, pedestrian path, possible future pedestrian path and landscaping. The Abington Court Property Owners Association, Inc. shall maintain such above ground areas and improvements at its sole costs except for public utility improvements which are maintained by

such public utility. NOTWITHSTANDING THE ABOVE, THE CITY OF LITTLE ROCK SHALL MAINTAIN ALL UNDERGROUND STORM DRAINAGE FACILITIES WITHIN THE TRACT. No improvements by any party shall be placed on the area designated as Tract D, Block 137, Chenal Valley, an addition to the City of Little Rock, Arkansas, unless first approved by PotlatchDeltic, the appropriate agencies of the City of Little Rock, if necessary, Abington Court Property Owners Association, Inc. and the Architectural Control Committee established pursuant to the Covenants and Restrictions of Chenal Valley.

THE USE AND DEVELOPMENT OF PORTIONS OF TRACT D, BLOCK 137 ARE FURTHER RESTRICTED PURSUANT TO U.S. ARMY CORPS OF ENGINEERS SECTION 404 PERMIT NO. SWL-2017-00276-3 ATTACHED HERETO AS **EXHIBIT A**, AND THE PLAT. ADDITIONAL COPIES OF SUCH PERMIT MAY BE ACQUIRED FROM THE LITTLE ROCK, ARKANSAS DISTRICT OFFICE OF THE U.S. ARMY CORPS OF ENGINEERS. THE UNIMPROVED TRACT MAY NOT BE ALTERED OR IMPROVEMENTS CONSTRUCTED OR PLACED THEREON EXCEPT IN ACCORDANCE WITH THE AFOREMENTIONED PERMIT.

PRIOR TO THE COMMENCEMENT OF ANY INSTALLATION OF UTILITIES WITHIN THE UTILITY EASEMENTS REFLECTED ON THE PLAT, THE PUBLIC UTILITIES MUST SUBMIT WRITTEN PLANS AND SPECIFICATIONS OF THE PROPOSED IMPROVEMENTS TO THE ARCHITECTURAL CONTROL COMMITTEE FOR REVIEW AND APPROVAL.

ALL UTILITIES TO BE INSTALLED BY PUBLIC UTILITIES AFTER PLATTING OF THE PUBLIC STREETS MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE PRIOR TO COMMENCEMENT OF CONSTRUCTION AND IF SUBSEQUENTLY INSTALLED IN THE PUBLIC STREETS OR IN ANY EASEMENT ADJACENT TO THE PUBLIC STREETS, SUCH INSTALLATION MUST BE AT A DEPTH OF AT LEAST 30" BELOW THE ELEVATION OF THE ADJACENT STREET.

DEVELOPER, ITS SUCCESSORS OR ASSIGNS, HAS NO DUTY TO MAINTAIN, REPAIR OR REPLACE ANY IMPROVEMENTS LOCATED WITHIN THE TRACTS OR WITHIN OTHER EASEMENT AREAS REFLECTED ON THE PLAT. ALL COSTS ASSOCIATED WITH ANY SUCH MAINTENANCE, REPAIR OR REPLACEMENT OF SUCH IMPROVEMENTS, AND ALL LANDSCAPING TREATMENTS, IS THE SOLE AND EXCLUSIVE RESPONSIBILITY OF THE ASSOCIATION, TO THE EXTENT SUCH COSTS ARE NOT A RESPONSIBILITY OF THE CITY OF LITTLE ROCK, ARKANSAS OR THE UTILITY PROVIDER.

The filing of this First Supplement to Bill of Assurance and Plat for record in the office of the Circuit Clerk and Ex-Officio Recorder of Pulaski County shall be a valid and complete delivery and dedication of the easements subject to the limitations herein set out.

The lands embraced in the Plat shall be forever known as Lots 20–45, Block 137, Lots 1-11, Block 138, Tract D, Block 137 and Tract E, Block 138, Chenal Valley, an Addition to the City

of Little Rock, Arkansas, and any and every deed of conveyance of any lot in the Abington Court Neighborhood, describing the same by the number shown on said plat shall always be deemed a sufficient description thereof.

1. Use of Land. The land herein platted shall be held, owned and used only as residential building sites. No structures shall be erected, altered, placed or permitted to remain on any building site other than a single detached single-family residence.

2. Architectural Control. No improvements shall be constructed or maintained upon any lot or Tract and no alteration or repainting to the exterior of any improvement, including, but not limited to, walls, retaining walls and swimming pools, shall be made and no landscaping performed unless approved by the Architectural Control Committee as provided for in the Covenants and Restrictions and the Bill of Assurance.

3. Common Amenities. The areas designated on the Plat as Tract D, Block 137 and Tract E, Block 138, and all improvements thereon, including but not limited to, any walls, lighting, drainage, irrigation and landscaped areas shall be maintained by the Abington Court Property Owners Association, Inc., to the extent they are not the responsibility of the City of Little Rock, except for public utility improvements, which are maintained by such public utilities.

4. Setback Requirements. No residence shall be located on any lot nearer to the front lot line, rear lot line or the side street line than twenty-five (25) feet. No building shall be located nearer to an interior lot side line than eight (8) feet. Such setback requirements may be modified if such modification is approved by the Architectural Control Committee, the Little Rock Planning Commission or the Little Rock Board of Adjustment, and such other regulatory agency as may succeed to their functions. For the purposes of this covenant, eaves, steps and porches not under roofs shall not be considered as a part of the building. Where two or more lots are acquired as a single building site, the site building lines shall refer only to those bordering the adjoining property owners.

4. Minimum Square Feet Area. No residence shall be constructed or permitted to remain on any building site in the Abington Court Neighborhood unless the finished heated living area, exclusive of porches, patios, garages, breezeways, exterior stairways, porte cocheres, storage areas and outbuildings, shall be equal to or exceed that shown in the following schedule:

<u>Lot Number</u>	<u>One Story Minimum Sq. Ft.</u>	<u>Multi-Story Minimum Sq. Ft.</u>
All Lots	2,200	2,600

Finished heated living area shall be measured in a horizontal plane to the face of the outside wall on each level.

5. Easements for Public Utilities and Drainage. Easements for the installation, maintenance, repair and replacement of utility services, sanitary sewer, drainage, storm drainage

and storm drainage overflow have heretofore been donated and dedicated, said easements being of various widths, reference being hereby made to the Plat filed herewith for a more specific description of type, width and location thereof. Except as otherwise provided herein, no incinerators, structures, buildings, or similar improvements shall be built or maintained within the area of such utility, drainage or storm drainage overflow easements. In the event any trees, shrubbery, incinerators, structures, buildings, fences or similar improvements shall be grown, built or maintained within the area of such easement, no person, firm or corporation engaged in supplying public utility services shall be liable for the destruction of same in the installation, maintenance, repair or replacement of any utility service located within the area of such easement.

The Owner of a lot is solely responsible for the existing drainage course across his lot. The Abington Court Property Owners Association, Inc. is only responsible for maintenance and replacement of drainage equipment and facilities existing within the easements granted herein and described on the Plat that are not the responsibility of the City of Little Rock, and has no responsibility for the maintenance and repair of any drainage course or equipment located upon those areas of the lot outside the easement.

6. Prohibition Against Leasing. NO PORTION OF A LOT, DWELLING, RESIDENCE OR STRUCTURE MAY BE LEASED AND NO TRANSIENT OR TEMPORARY OCCUPANT MAY BE ACCOMMODATED THEREIN UNLESS BY CONSENT OF POTLATCHDELTIC, ITS SUCCESSORS OR ASSIGNS, AND THE ABINGTON COURT PROPERTY OWNERS ASSOCIATION, INC. ANY LEASE OF THE ENTIRE LOT, DWELLING, RESIDENCE OR STRUCTURE MUST BE FOR NOT LESS THAN TWELVE (12) MONTHS UNLESS A SHORTER LEASE TERM HAS BEEN APPROVED BY THE BOARD OF DIRECTORS OF THE AFOREMENTIONED ASSOCIATION AND POTLATCHDELTIC, ITS SUCCESSORS OR ASSIGNS. THE OWNER OF THE LOT, DWELLING, RESIDENCE OR STRUCTURE SHALL PROVIDE POTLATCHDELTIC AND THE AFOREMENTIONED ASSOCIATION WITH A COPY OF ANY LEASE AGREEMENT, WITH RENTAL AMOUNTS REDACTED, WITHIN FIVE (5) DAYS OF THE EXECUTION OF THE LEASE.

7. Pedestrian Path and Possible Future Pedestrian Path. The pedestrian path and possible future pedestrian path easements reflected on the Plat within Tract D, in addition to being dedicated for use by the residents of Abington Court Neighborhood, are also dedicated as private pedestrian paths solely for pedestrian and bicycle traffic for the use and benefit of all owners of lots within any residential neighborhood within Chenal Valley for access to adjacent properties. The pedestrian path and possible future pedestrian path easements within the Abington Court Neighborhood shall be maintained by the Abington Court Property Owners Association, Inc.

8. Incorporation of Terms of Bill of Assurance. Said lands herein platted and any interest therein are hereby added to and made a part of the Abington Court Neighborhood and shall, on and after the date hereof, be subject to all of those certain terms, covenants and restrictions contained in the Covenants and Restrictions described herein and the Bill of Assurance filed October 12, 2022, as Instrument No. 2022070182, and all supplements and amendments thereto, all of which are incorporated herein by reference and made a part hereof.

EXECUTED this 16th day of November, 2023.

POTLATCHDELTAIC REAL ESTATE, LLC

BY: David Meghreblian
David Meghreblian Vice President

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF PULASKI

On this day before me, a Notary Public, duly commissioned, qualified and acting within and for said county and state, appeared the within named David Meghreblian, to me well known, who stated that he was the Vice President of POTLATCHDELTAIC REAL ESTATE, LLC and was designated and duly authorized in that capacity by said POTLATCHDELTAIC REAL ESTATE, LLC to execute the above instrument for and in the name and behalf of said POTLATCHDELTAIC REAL ESTATE, LLC, and further acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 16 day of November, 2023.

Starlene Henson
Notary Public

My Commission Expires:
6-6-2028

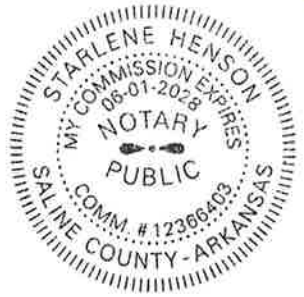


EXHIBIT A

[SEE ATTACHED]



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

November 9, 2021

Regulatory Division

STANDARD PERMIT NO. SWL-2017-00276-3

Mr. Dave Meghreblian
PotlatchDeltic Corporation
7 Chenal Club Boulevard
Little Rock, Arkansas 72223

Dear Mr. Meghreblian:

Under authority of Section 404 of the Clean Water Act (33 U.S. Code 1344), enclosed is Department of the Army Permit No. **SWL-2017-00276-3**, which authorizes the placement of dredged and fill material in waters of the United States associated with construction of a 122-acre single family residential development referred to as Chenal Valley – Phase 30 and 31. The proposed project is located in streams and an adjacent man-made wetland associated with several unnamed tributaries that flow into the Little Maumelle River and ultimately the Arkansas River, in sections 24 and 25, T. 2 N., R. 14 W., Little Rock, Pulaski County, Arkansas.

The proposed activity shall be constructed/conducted and maintained as described in the permit. If changes are proposed in the design or location of the proposed activity, you are required by law to submit revised plans to the District Engineer for approval before construction of the change is begun.

It is your responsibility to understand and comply with all of the conditions of the permit and to make any of your employees or agents involved in this operation continuously aware of the permit conditions.

If you have any questions, please contact James Beers, Project Manager, at (501) 340-1373 and refer to DA Permit No. **SWL-2017-00276-3**.

Sincerely,

A handwritten signature in black ink that reads "Sarah L. Chitwood".

Sarah Chitwood
Chief, Regulatory Division

Enclosures

cc:

Greg Phillips, GBMc & Associates, w/cy permit and dwgs

Proj Mgr, Russellville PO, w/cy permit and dwgs

Ch, Regulatory Enf, w/cy permit and dwgs

James Beers, Regulatory Enf Branch, w/cy permit and dwgs

EPA Commenter, EPA Region 6, w/cy permit and dwgs

Arkansas Commissioner of State Lands, w/cy permit and dwgs

DEPARTMENT OF THE ARMY PERMIT

Permittee: **Mr. Dave Meghreblian, PotlatchDeltic Corporation**

Permit No.: **SWL-2017-00276-3**

Issuing Office: Department of the Army
Little Rock District
PO Box 867
Little Rock, Arkansas 72203-0867

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The purpose of the project is to provide housing by developing a site for a residential subdivision to service Little Rock and surrounding areas. The project involves the construction of a 122-acre single family residential development referred to as Chenal Valley – Phase 30 and 31. Mechanized land clearing, grading, storm water detention, road construction, and residential home construction will take place using suitable equipment (such as excavators, dump trucks, and bulldozers). The project would impact (fill, culvert, and impound) approximately 3,722 linear feet of non-jurisdictional ephemeral stream; 933 linear feet of jurisdictional intermittent stream; and 0.8 acres of a jurisdictional forested wetland. Implementation of erosion and sediment controls at the site will minimize or eliminate water quality impacts, other than the planned fills, to receiving streams and wetlands, and will protect water quality in downstream waters. The filled streams would be rerouted through drainage features placed throughout the residential subdivision and ultimately flow into intermittent streams located off the property. The project shall be constructed as shown on the enclosed drawings, Sheet 3 of 3, dated October 2021.

Project Location: The proposed project is located in streams and an adjacent forested wetland associated with several unnamed tributaries that flow into the Little Maumelle River and ultimately the Arkansas River, in sections 24 and 25, T. 2 N., R. 14 W., Little Rock, Pulaski County, Arkansas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2024**. If you find that you need more time to complete the authorized activity, submit your request for a time

extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is enclosed if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **The permittee shall notify the U.S. Army Corps of Engineers, Little Rock District (USACE-SWL), Regulatory Division, Evaluation Branch of any additional fill proposed in waters of the United States to construct the Chenal Valley – Phase 30 and 31 residential development. This includes all activities associated with the discharge and excavation of material in waters of the United States by the permittee or their subcontractors. In addition, all subcontractors shall be furnished and required to implement the general and special conditions of this permit and receive additional authorization from USACE-SWL for all associated activities in waters of the United States.**
2. **The permittee and their subcontractors shall place all construction debris, including any excess material, on uplands in such a manner to prevent it from entering or being discharged in any waterway. Implementation of erosion and sediment controls at the site will minimize or eliminate impacts and will protect water quality in downstream waters.**

3. In accordance with stipulations under the Clean Water Act's National Pollutant Discharge Elimination System, the permittee will prepare a construction site storm water pollution prevention plan (SWPPP) and implement it to prevent and minimize transport to downstream waters. The permittee shall implement appropriate erosion control methods indicated in the SWPP during all construction phases. Erosion control measures shall be maintained before, during, and after construction of the project. All disturbed areas and exposed slopes shall be adequately stabilized to prevent subsequent erosion and sediment transport.

4. Using the 2011 Little Rock Stream Method, USACE calculated that 2,904.3 stream credits were required to compensate for impacts (culvert, pipe, and impoundment) to 933 linear feet of intermittent stream channel. Using the 2002 Charleston Method with the SWL Addendum USACE calculated that 7.3 wetland credits were required to compensate for impacts (fill and impoundment) to 0.8 acres of forested wetland. Prior to beginning any authorized work, the permittee shall purchase 2,904.3 stream credits and 7.3 wetland credits from an approved mitigation bank with primary service in the project area. In accordance with 33 CFR 332.3(m), as proof that compensatory mitigation has been implemented prior to authorized work, the permittee must submit documentation of the purchase of the stream and wetland credits to the USACE-SWL Regulatory Division prior to beginning any authorized work.

5. If previously unknown cultural resources are encountered during work authorized by this permit, the permittee shall immediately contact USACE-SWL Regulatory Division and avoid further impact to the cultural resources until assessment by State and Federal cultural resource specialists is complete and USACE has verified that the requirements of 33 CFR Part 325, Appendix C, and 36 CFR Part 800 have been met. Cultural resources include prehistoric and historic archeological sites, and areas or structures of cultural interest that occur in the permit area.

6. The permittee will notify USACE-SWL, Regulatory Division, Enforcement Branch when the construction of the authorized project begins so that periodic compliance inspections can be performed.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C.

1413).

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the

original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of your activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

11/1/21

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Pursuant to the direction from Colonel Eric M. Noe, District Engineer:



Sarah Chitwood
Chief, Regulatory Division

11/9/2021

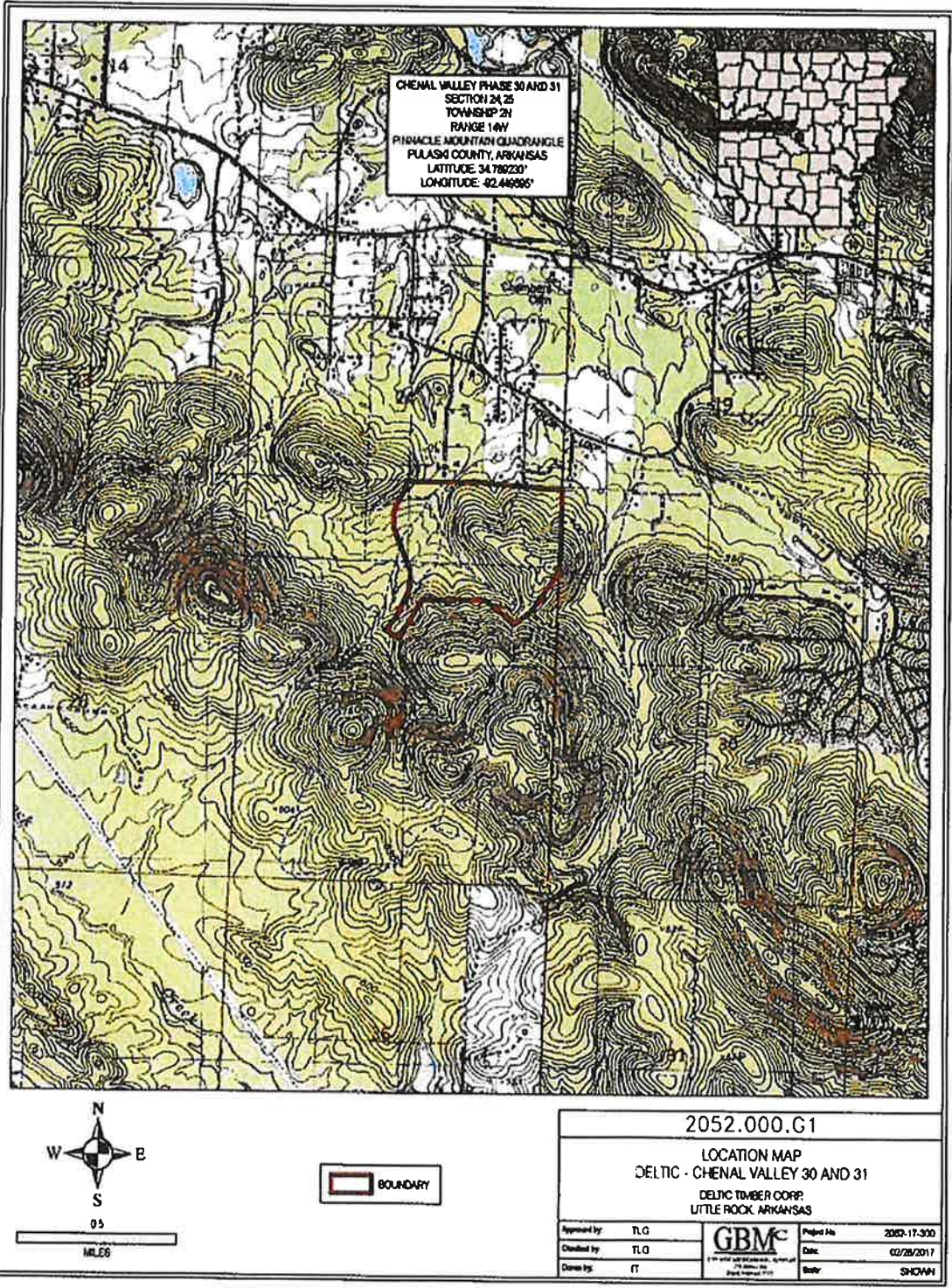
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date

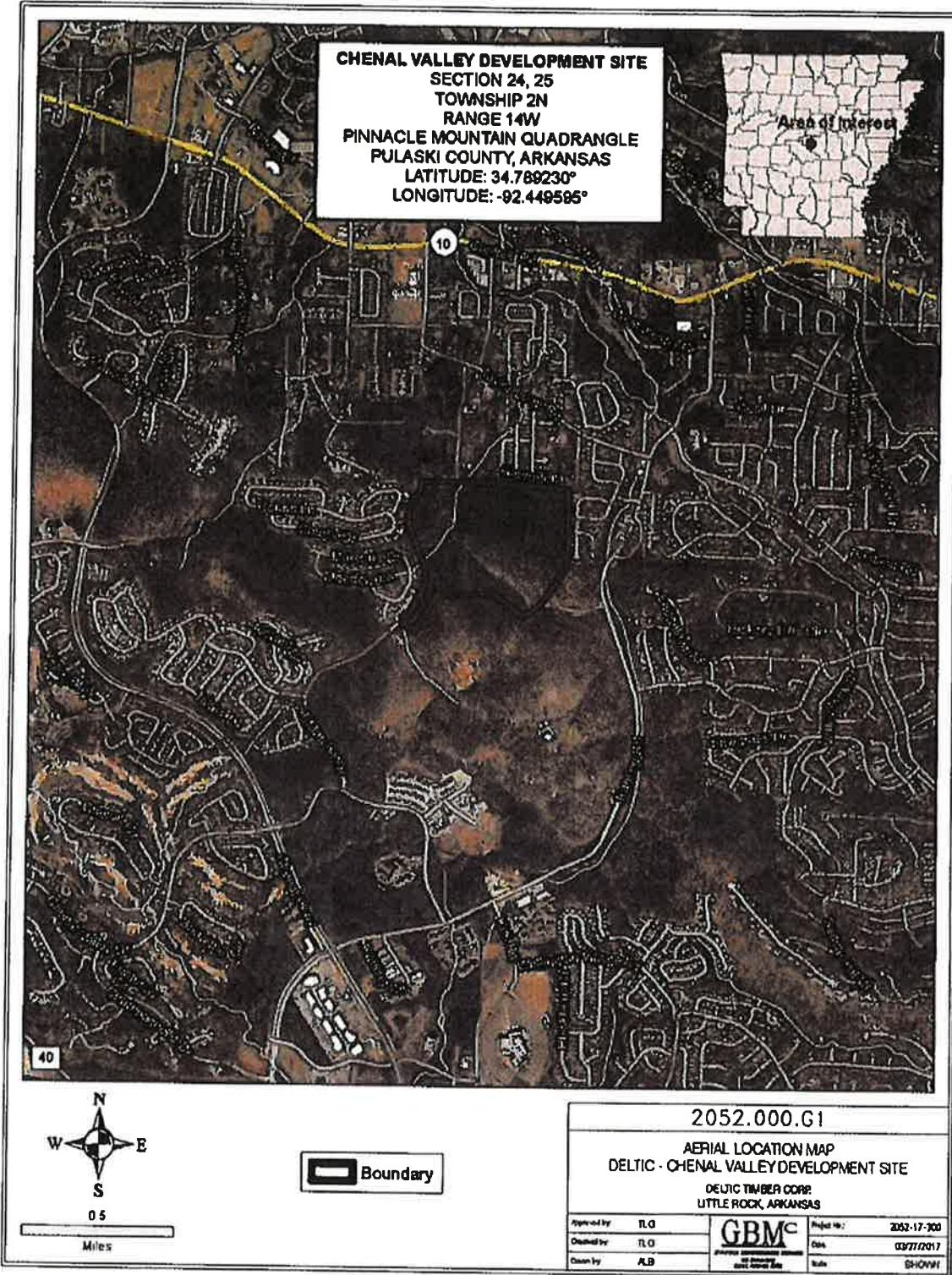
below.

(TRANSFeree)

(DATE)



ACTION NO.: SWL-2017-00276-3
Chenal Valley Subdivision, Phases 30 & 31
RESIDENTIAL DEVELOPMENT
 Unnamed Tributaries and Wetlands to Little Maumelle River
 Sections 24 and 25, T. 2 N., R. 14 W.
 October 2021



ACTION NO.: SWL-2017-00276-3
 Chenal Valley Subdivision, Phases 30 & 31
 RESIDENTIAL DEVELOPMENT
 Unnamed Tributaries and Wetlands to Little Maumelle River
 Sections 24 and 25, T. 2 N., R. 14 W.
 October 2021

Sheet 2 of 3

**LITTLE ROCK STREAM METHOD
ADVERSE IMPACT FACTORS FOR RIVERINE SYSTEM WORKSHEET**

Stream Type Impacted	Ephemeral			Intermittent			Perennial - OHWM Width		
	0.1			0.4			<15' 0.4	15' - 30' 0.6	>30' 0.8
Priority Area	Tertiary 0.1			Secondary 0.4			Primary 0.8		
Existing Condition	Functionally Impaired 0.1			Moderately Functional 0.8			Fully Functional 1.6		
Duration	Temporary 0.05			Recurrent 0.1			Permanent 0.3		
Activity	Clearing 0.05	Utility Crossing/ Bridge Footing 0.15	Below Grade Culvert 0.3	Armor 0.5	Detention 0.75	Morpho- logical Change 1.5	Impound- ment (Dam) 2.0	Pipe >100' 2.2	Fill 2.5
Cumulative Linear Impact	<100' 0	100' - 200' 0.05	201' - 500' 0.1	501' - 1000' 0.2	> 1000 linear feet (LF) 0.1 reach 500 LF of impact (example: scaling factor for 5,280 LF of impacts = 1.1)				

Factors	S-2 Culvert	S-2 Pipe	S-2 Impound		
Stream Type Impacted	Intermittent	Intermittent	Intermittent		
Priority Area	Secondary	Secondary	Secondary		
Existing Conditions	Funct. Impaired	Funct. Impaired	Funct. Impaired		
Duration	Permanent	Permanent	Permanent		
Activity	Below Grade Culvert	Pipe > 100'	Impoundment (Dam)		
Cumulative Linear Impact	0.2				
Sum of Factors (M)	1.7	3.6	3.4		
Linear Feet of Stream Impacted in Reach (LF)	171	114	648		
M x LF	290.7	410.4	2,203.2		

Total Mitigation Credits Required = (M x LF) = 2,904.3

Notes:

Figured for the On-Site Alternative 2 calculations for the alternatives analysis under the 2020 application and AJD request.

CHARLESTON METHOD (SWL)
ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Required Wetland Mitigation Credit Table

FACTORS	OPTIONS					
	Lost Type	Type C 0.2		Type B 2.0		Type A 3.0
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1		Impaired 1.0		Slightly Impaired 2.0	Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 Year 0.2	1 to 3 Years 0.5	3 to 5 Years 1.0	5 to 10 Years 1.5	Over 10 Years 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound/Flood 2.5	Fill 3.0
Cumulative Impact	0.05 x $\sum AA_i$					

Note: For the Cumulative Impact factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Wetland Mitigation Credit Worksheet

FACTOR	W-1 Fill	W-1 Impound	Area Name	Area Name	Area Name	Area Name
Lost Type	Type B	Type B				
Priority Category	Tertiary	Tertiary				
Existing Condition	Slightly Impaired	Slightly Impaired				
Duration	Over 10 Years	Over 10 Years				
Dominant Impact	Fill	Impound/Flood				
Cumulative Impact	0 (Overall Cumulative Impact Threshold Not Met)					
Sum of Factors ^(R)	9.5	9				
Impacted Area ^(AA)	0.1	0.7				
R x AA =	0.95	6.30				

Required Wetland Mitigation Credits = $\sum (R \times AA) =$ 7.25

Notes:

SWL agrees with the GBMC's determinations for Priority Category, Existing Condition, Duration, Dominant Impact, and Impacted Area. Under Cumulative Impact, SWL figured the factor using the $0.05 \times \sum AA_i$ formula as described above and figured a factor of 0.0, which changes the Sum of r Factors and the R x A results and thus the final mitigation credits figure. Because W-1 presently functions as a wetland, SWL considers the Lost Type to be Type B (factor of 2.0) instead of Type C (factor of 0.2). Given these evaluations and determinations, the total number of wetland credits required if purchased from an approved mitigation bank that services the project area as a primary service area is 7.3 (rounded up from 7.25).

Figured from 2017 proposed project for an on-site alternative under the revised 2020 application and AJD request

ARKANSAS

ENERGY & ENVIRONMENT

ENVIRONMENTAL QUALITY

August 23, 2019

Colonel Eric M. Noe, District Commander
Little Rock District Corps of Engineers
P. O. Box 867
Little Rock, Arkansas 72203-0867



RE: 401 Water Quality Certification SWL 2017-00276-2-Meghreblian/Potlatch Deltic Corporation- Construction Activities, Pulaski County, Arkansas

Dear Colonel Noe:

The Division of Environmental Quality ("DEQ") has completed its review of the above referenced project for Dave Meghreblian/Potlatch Deltic Corporation, 7 Chenal Club Boulevard, Little Rock, AR, 72223 has requested authorization for work, including the placement of dredged and fill material in waters of the United States, associated with the construction of a 122-acre residential development. The site will be graded and 0.1 acres of a man-made wetland and 3,232 linear feet of streams will be permanently filled; 375 linear feet of streams will be culverted; and 0.7 acres of man-made wetland and 1,048 linear feet of streams will be impounded for storm water retention purposes. The project is located on unnamed tributaries to Little Maumelle River, in Sections 24 and 25, T 2 N, R 14 W, Lat. 34.78923, Long. -92.4496, Little Rock, Pulaski County, Arkansas.

DEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not permanently violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the DEQ hereby issues water quality certification for this project: SWL-2017-00276-2/ADEQ No. 20190353 contingent upon the following conditions:

- 1) The applicant shall contact DEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of DEQ at 501-682-0040.
- 2) The applicant shall implement all practicable best management practices (BMPs) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 3) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact DEQ immediately.

Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR 72118-5137
adeq.state.ar.us

- 4) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.
- 5) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg. 6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 682-0621.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.

Please contact Mrs. Melanie Treat, at (501) 682-0040 if you have any questions regarding this certification.

Sincerely,



Bryan Leamons, P.E.
Senior Operations Manager, Office of Water Quality

cc: James Ellis, USACE, Jim.D.Ellis@usace.army.mil
Wanda Boyd, EPA,
Melvin Tobin, USFWS,
Jennifer Sheehan, AGFC,
Drew Waters, DEQ District 9 Inspector
Blain Sanders, DEQ District 9 Inspector

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
INFORMATION ATTACHED**

Applicant: Mr. Dave Meghreblian		File Number: SWL-2017-00276-3	Date: 10/22/21
Attached is:		See Section below	
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. James Beers
U.S. Army Corps of Engineers (CESWL-RD)
P.O. Box 867
Little Rock, Arkansas 72203-0867
501-324-5295

If you only have questions regarding the appeal process you may also contact:

Mr. Jamie Hyslop
Administrative Appeals Review Officer,
Southwestern Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Phone: 469-216-8324
Email: jamie.r.hyslop@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number: