Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Donna Campbell <donnacampbell@elkins.arkansas.gov> Fri, Aug 21, 2026 at 2:29 PM
To: [redacted]
Cc: Jd Demotte <jddemotte@elkins.arkansas.gov>, Thomas Kieklak [redacted] Emily Hill [redacted] Anna Drake <annadrake@elkins.arkansas.gov>

Mr. [redacted]

Please see the responses below in Red.

Thank you,

Donna Campbell
Admin. Asst.
Elkins City Hall
donnacampbell@elkins.arkansas.gov
1874 Stokenbury Rd
Elkins, AR 72727
Ph. (479) [redacted]
Fax (479) [redacted]

From: [redacted]
Sent: Monday, August 3, 2026 5:16 PM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>
Subject: Re: Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Subject: Second Follow-Up and Request for Clarification Regarding Completeness of Response to June 24, 2026 FOIA Request

Dear Ms. Campbell,

I am following up regarding my June 24, 2026 Arkansas Freedom of Information Act request and my July 12, 2026 correspondence concerning the completeness of the City's response.

On July 7, 2026, the City produced records and advised that additional records were still being obtained from Garver. Since that time, I have not received any additional responsive records, any update regarding records pending from Garver, or a substantive response to the questions raised in my July 12 correspondence.

My July 12 correspondence did not expand, modify, or broaden the scope of the original request. Rather, it sought clarification regarding whether records already encompassed by the June 24 request had been searched for, located, produced, withheld, determined not to exist, or remained pending from Garver or another source.

More than six weeks have now elapsed since submission of the request, and I remain unable to determine the status and completeness of the City's response.

Accordingly, please provide the City's position regarding the following:

SEARCH CONDUCTED

1. Has the City completed its search for records responsive to my June 24, 2026 FOIA request? The City has completed their search. Courtney with Garver has returned from vacation and she is conducting more searches within Garver's records.

2. Please identify whether the City's search included records maintained by, received from, communicated with, reviewed by, relied upon by, referenced by, or obtainable from:

• City employees and officials; Yes

• Garver, LLC; Please see above

• Crofton & Tull; Yes

• Rausch Coleman Homes; Declined to cooperate per their legal team.

• Builders and developers associated with Stokenbury Farms; See above responses

• Contractors and subcontractors associated with the identified construction sites; See above responses

• Engineers and engineering firms; See above responses

• SWPPP consultants and SWPPP inspectors; Yes

• Erosion and sediment control inspectors; Yes

• Third-party inspectors; N/A

• Builder-paid inspectors; N/A

• Environmental consultants; and

• Any other person or entity acting on behalf of, reporting to, communicating with, relied upon by, or providing information to the City concerning the identified construction sites. Yes

3. Please identify whether the City's search included: Yes please see below. Some are not applicable.

• Microsoft Outlook;

• Archived email systems;

• Microsoft Teams chats, channels, files, meeting messages, call records, and attachments;

• Text messages and SMS messages;

• Messaging applications; N/A

• Voicemail systems; N/A

• Shared drives and network storage; N/A

• Cloud-based storage systems; N/A

• Databases; N/A

• City-issued mobile devices; N/A

• Personal devices used for official City business;

• Personal email accounts used for official City business; and N/A

• Any other repository containing records relating to the identified construction sites. Yes

If any of the above locations, accounts, systems, devices, repositories, or custodians were not searched, please identify them and explain the basis for excluding them from the City's search. Please see above marked N/A. These were excluded because they do not exist within the City.

RECORDS LOCATED

Please state whether responsive records were located within the following categories:

• Inspection reports; Yes

• Inspection logs; N/A

• Site visit records; Yes

• Monitoring records; Yes

• Field notes; Yes

• Follow-up inspection records; Yes

• Construction stormwater inspection records; Yes

• Erosion and sediment control inspection records; N/A

• SWPPP inspection records; Yes

• BMP inspection records; Yes

• Third-party inspection records; N/A

• Builder-paid inspection records; N/A

• Corrective-action records; N/A

• Compliance determinations; N/A

• Enforcement records; N/A

• Warning notices; N/A

• Compliance directives; Yes

• Decisions to enforce, defer enforcement, or decline enforcement; N/A

• MS4 inspection records; Yes

• MS4 oversight records; N/A

• Construction runoff review records; N/A

• Illicit discharge records; N/A

• Referrals to ADEQ; N/A

• Coordination with ADEQ; N/A

• Photographs and videos; Yes

• Call summaries; Yes

• Notes; Yes

• Text messages; Yes

• Email attachments; Yes

• Complete email chains; and

• Communications regarding inspections, compliance, enforcement, stormwater BMPs, runoff concerns, permitting status, deficiencies, corrective actions, or follow-up activities. Yes

BUILDER, DEVELOPER, CONTRACTOR, ENGINEER, INSPECTOR, AND CONSULTANT COMMUNICATIONS

Please specifically state whether the City searched for and produced communications between City personnel and any builder, developer, contractor, subcontractor, engineer, engineering firm, inspector, third-party inspector, SWPPP inspector, consultant, Crofton & Tull, Garver, LLC, Rausch Coleman Homes, or other associated parties relating to: Yes please see below

• Stormwater BMPs;

• Erosion and sediment controls;

• Stormwater compliance;

• SWPPP compliance;

• Inspections;

• Monitoring activities;

• Deficiencies;

• Corrective actions;

• MS4 responsibilities;

• Construction runoff;

• Enforcement decisions; N/A

• Permitting status; and

• Follow-up activities associated with the identified construction sites. Yes

If such communications were not produced, please state whether: Forwarded to The City Attorney for review

(a) no such communications were located;

(b) such communications exist but have not yet been produced; or

(c) such communications are being withheld.

GARVER RECORDS

On July 7, 2026, the City advised that it was still waiting on additional information from Garver.

Please specifically identify the records referenced in that statement and state: Please see above response in question #1

(a) whether those records were received by the City;

(b) whether those records were produced;

(c) whether those records remain outstanding;

(d) whether the City requested those records;

(e) whether the City followed up regarding those records; and

(f) whether the City still intends to obtain and produce those records.

COMPLETENESS, OUTSTANDING RECORDS, AND WITHHOLDINGS

Please state:

1. Whether additional responsive records remain pending from Garver or any other source; Please see above

2. Whether additional responsive records have been identified but not yet produced; All sent

3. Whether all responsive email attachments, complete email chains, text messages, Teams communications, photographs, videos, and related records have been produced; All sent

4. Whether any responsive records have been withheld; No

5. Whether the City considers its response to my June 24, 2026 FOIA request complete. Yes

If responsive records have been withheld, please identify each category of withheld records and the specific legal basis relied upon for each withholding. N/A

If additional responsive records remain outstanding, please identify the categories of records that remain pending and provide an estimated date for production. Please see above response

If the City's position is that no additional responsive records exist, please state whether: N/A

(a) no such records were located following the City's search; or

(b) no such records were created, received, maintained, reviewed, relied upon, retained, or possessed by the City.

For avoidance of doubt, this correspondence does not expand, modify, or broaden the scope of my June 24, 2026 FOIA request. It seeks clarification regarding the City's search, the status of records already encompassed by that request, the completeness of the City's production, and the basis for any withholding or non-production of responsive records.

Thank you for your attention to this matter. I look forward to receiving the City's position regarding the status, scope, and completeness of its response.

Sincerely,

[redacted]
Elkins, Arkansas
[redacted]
(870) [redacted]

On Mon, Jul 20, 2026 at 8:57 AM [redacted] wrote:

> Ms. Campbell,
>
> Thank you for the update.
>
> I understand that Mr. DeMotte is currently out of the office and expected to return during the first week of August.
>
> I will await his return regarding the questions raised in my July 12, 2026 correspondence.
>
> In the meantime, if any additional responsive records are already available to the City, including records received from Garver or records maintained by other City personnel, I would appreciate receiving those records

on a rolling basis as they become available.

I also appreciate any update regarding whether additional records remain pending from Garver or any other source.

Thank you for your assistance.

Sincerely,

[redacted]

On Mon, Jul 20, 2026 at 8:27 AM Donna Campbell <donnacampbell@elkins.arkansas.gov> wrote:

Mr. [redacted]

Mr. Demotte will be the one that would have that information, and he has been out of the office on vacation for a couple of weeks. He should return sometime the first week in August.

Thank you,

Donna Campbell
Admin. Asst.
Elkins City Hall
donnacampbell@elkins.arkansas.gov
1874 Stokenbury Rd
Elkins, AR 72727
Ph. (479) [redacted]
Fax (479) [redacted]

From: [redacted]
Sent: Monday, July 20, 2026 7:26 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>
Subject: Re: Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Subject: Follow-Up Regarding Completeness of Response – June 24, 2026 FOIA Request

Ms. Campbell,

I am following up regarding my July 12, 2026 correspondence concerning the completeness of the City's response to my June 24, 2026 Arkansas FOIA request.

On July 7, 2026, the City provided records and advised that additional materials were still being obtained from Garver. On July 12, 2026, I submitted a clarification request regarding the completeness of the City's

response and have not yet received a response.

Please advise:

- Whether additional records remain pending from Garver or any other source;
- Whether the City has reviewed the questions raised in my July 12 correspondence;
- Whether the City's search for responsive records is ongoing; and
- Whether the City considers its response complete.

Thank you for your assistance. I look forward to your response.

Sincerely,

[redacted]

On Sun, Jul 12, 2026 at 5:34 PM [redacted] wrote:

Subject: Clarification Regarding Completeness of Response – June 24, 2026 Arkansas FOIA Request (Construction Stormwater & MS4 Records)

Ms. Campbell,

Thank you for the records provided on July 7, 2026, and for advising that additional materials were still being obtained from Garver.

This email is not a new FOIA request and is not intended to expand, modify, or broaden the scope of my June 24, 2026 request. Rather, it seeks clarification regarding the completeness of the City's response and whether records already encompassed by the original request were searched for, obtained, reviewed, and produced.

This correspondence seeks clarification only as to whether records already encompassed by the original request were searched for, obtained, reviewed, and produced.

As reflected in my June 24 request, the subject matter of the request is limited to:

1. Construction sites within the Stokenbury Farms subdivision; and

2. The construction site adjacent to the Dollar General in Elkins;

and specifically concerns construction stormwater management, erosion and sediment control, inspections, monitoring activities, compliance activities, enforcement activities, MS4-related oversight, stormwater BMPs, construction runoff, and related communications.

For clarity, this request is independent of and separate from my prior FOIA requests concerning my property, floodplain issues, drainage issues affecting my property, building permits associated with my property, or related litigation.

After reviewing the July 7 production, I appreciate the records provided. However, a substantial portion of the production appears to consist of property-specific records, building permit records, occupancy-related records, rezoning records, plat and subdivision approval records, FEMA and floodplain records, LOMR-related records, drainage design reports, engineering calculations, and other development and planning documents.

While I appreciate receiving those materials, I am attempting to determine whether records responsive to the inspection, monitoring, stormwater compliance, MS4 oversight, enforcement, and third-party

inspection portions of my June 24 request were searched for and produced.

Specifically, I have been unable to identify records responsive to the following categories:

Inspection, Monitoring, and Oversight Records

• Inspection reports;

• Inspection logs;

• Site visit records;

• Field notes;

• Monitoring records;

• Follow-up inspection records;

• Construction stormwater inspection records;

• Erosion and sediment control inspection records;

• Records documenting observations made during inspections or site visits;

• Records documenting deficiencies observed during inspections or site visits;

• Records documenting corrective actions required by the City;

• Records documenting follow-up regarding corrective actions; and

• Records documenting routine oversight activities performed by City personnel.

Third-Party and Builder Records

• SWPPP inspection reports;

• Third-party inspection reports;

• Builder-paid inspection reports;

• Erosion and sediment control inspection reports;

• BMP inspection records;

• Corrective-action records;

• Maintenance records;

• Inspection photographs;

• Inspection summaries; and

• Related records submitted to, reviewed by, relied upon by, referenced by, or communicated with the City.

Compliance and Enforcement Records

• Compliance determinations;

• Enforcement records;

• Warning notices;

• Compliance directives;

• Decisions to enforce;

• Decisions not to enforce;

• Decisions to defer enforcement;

• Records documenting verbal directives; and

• Records identifying personnel responsible for compliance determinations and enforcement decisions.

MS4 Records

• MS4 inspection records;

• MS4 oversight records;

• Construction runoff review records;

• Illicit discharge records;

• Referrals to ADEQ;

• Coordination with ADEQ;

• Records reflecting review of stormwater BMPs; and

• Other records relating to the City's MS4 responsibilities concerning the identified construction sites.

Communications and Attachments

I also noted multiple communications that appear to reference attachments, additional email chains, punch lists, photographs, SWPPP-related materials, inspection activities, engineering documents, and other records that were not included within the materials provided.

In addition, several communications appear to reference prior or subsequent communications that were not included in the production.

Accordingly, please clarify:

1. Whether all responsive email attachments were produced;

2. Whether all responsive email chains were produced in full;

3. Whether all responsive text messages were produced;

4. Whether all responsive photographs and videos were produced;

5. Whether additional responsive records remain pending from Garver or any other source; and

6. Whether the City considers its response complete.

In addition, my original request expressly included records created, received, maintained, relied upon, referenced by, communicated with, or possessed by City officials, employees, agents, contractors, consultants, engineers, inspectors, or third parties acting on behalf of or relied upon by the City.

To ensure I understand the completeness of the City's response, please clarify whether the City's search included records maintained by or obtained from entities falling within those categories, including records communicated with, submitted to, relied upon by, reviewed by, referenced by, or otherwise used by the City in connection with the identified construction sites.

This includes, to the extent encompassed by the original request:

• Emails and archived emails;

• Text messages;

• Messaging applications;

• Photographs;

• Videos;

• Inspection reports;

• SWPPP-related records;

• Compliance records;

• Corrective-action records;

• Notes;

• Call summaries;

• Attachments; and

• Records maintained on personal devices or personal accounts when used for official City business.

If records responsive to the categories described above do not exist, please advise whether:

(a) the activities did not occur; or

(b) the activities occurred but no responsive records were created, received, maintained, reviewed, relied upon, retained, or possessed by the City.

Thank you for your assistance. I look forward to your response regarding the completeness of the City's production.

Sincerely,

[redacted]
Elkins, Arkansas
[redacted]
(870) [redacted]

On Tue, Jul 7, 2026 at 12:22 PM Donna Campbell <donnacampbell@elkins.arkansas.gov> wrote:

cidB0E801E5-BEBB-49B0-8038-6E5C1403334D 2.pdf

Good afternoon,

Attached, you will find the links to the records, etc. that you have asked for. We are still waiting on a few more things from Garver, and we will send those as soon as we receive that information.

COO [redacted] 2.pdf
Council Meeting approved minutes 2.pdf
Drainage Deviation Report Revised 2.pdf
DRAINAGE REPORT 5.11 (1) 2.pdf
DRAINAGE REPORT ADD 7.13 (1) 1.pdf
Drainage Report 1.jpg
elec permit [redacted] 1.pdf
FEMA [redacted] 1.pdf
mech permit [redacted] 1.pdf
Ordinance No. 09-12-2019 Rezoning (Rausch Coleman) PUD 1.pdf
Phone call 1 1.png
Phone call 2 1.png
Planning Meeting Minutes Dec 2019 1.pdf
plum permit [redacted] 1.pdf
Stokenbury Ph 2 Prelim Plat Staff Report_12.16.19.pdf
Text Message with [redacted]

Clipchamp

Violation Video 2.mov
crofton tull lmor f.pdf
Crofton Tull SWPPP email.pdf
emails with garver.pdf
emails with garver_2.pdf
emails with garver_3.pdf
emails_stehanie_jd.pdf
Final Plat.pdf
final plt phase 4.pdf
LOMR filling.pdf
misc lot 71.pdf
outline of flood plane.pdf
Preliminary Plat.pdf

[redacted] [redacted] emails.pdf
Stormwater Contruction Permit ARR 150000.pdf
Stormwater Contruction Permit ARR 150000_pg2.pdf
violation pictures.pdf

Thank you,

Donna Campbell
Admin. Asst.
Elkins City Hall
donnacampbell@elkins.arkansas.gov
1874 Stokenbury Rd
Elkins, AR 72727
Ph. (479) [redacted]
Fax (479) [redacted]

From: [redacted]
Sent: Tuesday, June 30, 2026 10:37 AM
To: Troy Reed <troyreed@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>; Donna Campbell <donnacampbell@elkins.arkansas.gov>
Subject: Re: Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Good morning, Mayor Reed,

Thank you for confirming receipt of my request and providing a timeline.

I understand that the request is extensive and appreciate your acknowledgement. I will expect a response and any available records by July 10, 2026.

If any records are readily available prior to that date, please feel free to provide them on a rolling basis.

Thank you,
[redacted]

On Tue, Jun 30, 2026 at 10:25 AM Troy Reed <troyreed@elkins.arkansas.gov> wrote:

> Good morning,
>
> We have received your request; our records clerk is out of the office this week June 29 - July 3, 26. Our records clerk will work on this further when she returns next week and can get it to you by the end of the week July 10,26. Your request list is quite extensive; Arkansas FOIA Law does award the City reasonable extended time to respond to such a large request.

Mayor Troy Reed

City of Elkins, Arkansas
1874 Stokenbury Road
Elkins, AR. 72727
Office - (479) [redacted]
Fax - (479) [redacted]
troyreed@elkins.arkansas.gov

From: [redacted]
Sent: Tuesday, June 30, 2026 7:38 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>; Troy Reed <troyreed@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>
Subject: Re: Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Dear Records Custodian,

I am writing to follow up on my Arkansas Freedom of Information Act request submitted on June 24, 2026, regarding construction stormwater management, erosion control, and MS4-related records.

As of today, I have not received any acknowledgement or response.

Under the Arkansas FOIA, public records are to be made available immediately when available, and requests are expected to be handled within a reasonable timeframe. Please confirm receipt of this request and provide a status update regarding the existence and availability of responsive records.

If responsive records exist but are not immediately available, please provide an estimated date for production.

If the City contends that no responsive records exist, please state that explicitly and identify the department(s) responsible for the subject matter.

Thank you for your prompt attention to this matter.

[redacted]

On Wed, Jun 24, 2026 at 9:23 AM [redacted] wrote:

> This email constitutes a request under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq.
>
> Dear Records Custodian,
> Pursuant to the Arkansas Freedom of Information Act, I request access to and copies of public records in the possession, custody, or control of the City of Elkins, including records created, received, maintained, or relied upon by City officials, employees, agents, contractors, consultants, engineers, inspectors, or third parties acting on behalf of or relied upon by the City, relating to construction stormwater management, erosion and sediment control, and MS4-related activities associated with the following locations:
>
> Construction sites within the Stokenbury Farms subdivision
> Construction site adjacent to the Dollar General in Elkins

Time Period
January 1, 2024 – Present

Records Requested
1. Inspections and Site Activity
All records reflecting any inspection, site visit, observation, monitoring activity, follow-up visit, or informal compliance review, including:

Inspection reports, summaries, and logs
Handwritten or electronic field notes
Photographs or videos

This includes work performed by:

City personnel
Contractors or consultants
Engineers (including Garver, LLC)
Third-party or builder-paid inspectors, erosion control monitors, or SWPPP inspectors, to the extent such work was submitted to, reviewed by, relied upon, or communicated with the City

2. Compliance and Enforcement

Notices of violation, stop-work orders, warnings, or compliance directives
Records of verbal directives or required corrective actions
Records reflecting:

Non-compliance determinations
Unpermitted or potentially unpermitted activity
Decisions to defer, decline, or forego enforcement

3. Communications
All communications (including email, text messages, messaging platforms, letters, call logs, or summaries) between City officials or employees and:

Any builder, developer, contractor, engineer, inspector, or their representatives associated with the identified sites
Garver, LLC, or any other engineering, inspection, or consulting firm
ADEQ
EPA (including Region 6)

relating to:

Stormwater BMPs
Erosion or sediment control
MS4 discharges
Inspections, compliance determinations, or corrective actions
Permitting status

4. MS4 and Oversight Records

Records reflecting City review, oversight, acceptance, or reliance upon stormwater BMPs
Records relating to MS4 obligations, construction runoff, or illicit discharge concerns
Records reflecting coordination with or referrals to ADEQ or EPA

5. Internal City Records

Internal communications regarding inspections, compliance, or enforcement decisions
Interdepartmental coordination records
Records identifying City personnel responsible for inspection, compliance determinations, or enforcement decisions

Clarifications (For Avoidance of Misinterpretation)

Inspection Definition
“Inspection” includes any site visit, drive-by, observation, monitoring activity, or informal review conducted to

evaluate stormwater conditions or compliance, regardless of whether a formal report was created.

Records Definition
"Records" include draft, preliminary, or informal records, including notes, emails, text messages, photographs, videos, database entries, and summaries, whether finalized or not.

Personal Devices
This request includes records created, sent, received, or stored on personal devices or personal accounts when used for official City business.

Third-Party / Builder-Paid Inspectors
This request includes records created by builder-paid or third-party inspectors where such records were submitted to, reviewed by, relied upon by, referenced by, or communicated with the City.

No-Records Response Requirement
If the City asserts that no responsive records exist, please state whether:

(a) the activity did not occur, or
(b) the activity occurred but no records were created or retained,
and identify the responsible department.

Third-Party Custody
The City may not deny access based on third-party possession where the City has the right to access, obtain, or rely upon such records. Please identify any such entity.

Search Obligation
Please confirm that a reasonable, good-faith search was conducted, including:

Email systems (including archived folders)
Messaging platforms
Shared drives and cloud storage
Databases
Mobile devices used for official business

Independence from Prior Requests
This request is independent of any prior FOIA requests and seeks records relating to distinct subject matter and sites. Prior requests do not limit the City's obligations with respect to this request.

Retention / Non-Retention of Records
If responsive records were created but are no longer maintained, please identify the nature of such records and the circumstances under which they were not retained.

Production

Provide records in electronic format where available
Provide database exports where applicable
Notify in advance if costs exceed $25

Statutory Compliance
If any portion of this request is denied or withheld, please identify the specific statutory exemption relied upon and release all reasonably segregable non-exempt portions.

Please confirm receipt of this request.

[redacted]
Elkins, Arkansas
[redacted]
(870) [redacted]



image.png
80K View Scan and download