



US Army Corps
of Engineers ®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: **MVK 2013-00132**

Date: **14 February 2013**

Comments Due: **18 March 2013**

TO WHOM IT MAY CONCERN: **Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the project manager, Mr. Johnny McLean, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, e-mail address: Johnny.L.McLean@usace.army.mil. An electronic copy of the proposed Upper Saline River Mitigation Bank prospectus can be obtained from the Corps of Engineers through the contact information listed above.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that the *Arkansas Highway and Transportation Department (AHTD)* has submitted their completed Upper Saline River Mitigation Bank prospectus. The prospectus outlines the AHTD's proposal for developing and operating the bank which is known as the banking instrument. After public comments are received and any issues resolved on the prospectus, the AHTD will submit a draft banking instrument to the District Engineer of the Little Rock District. The District Engineer will distribute the draft banking instrument to the Interagency Review Team (IRT), which is comprised of the Corps and the pertinent State and Federal resource agencies. The IRT will review the banking instrument and coordinate with the AHTD on any issues until a final banking instrument is completed. Finally, the District Engineer will review the final instrument and make a decision to approve or not approve.

The purpose of this bank is to mitigate for stream and wetland impacts resulting from highway construction and maintenance. The bank would be used for unavoidable impacts to wetlands and streams authorized under Section 404 of the Clean Water Act. The stated goal of the bank is to restore, enhance and protect streams and wetlands, and the associated uplands.

The proposed project is located midway between Hot Springs Village and Benton, approximately ten miles north of Interstate 30, and immediately upstream of the confluence of the Alum and Middle Forks of the Saline River, in sections 28, 29, 32 and 33, T. 1 S., R. 16 W., Saline County, Arkansas. The site is approximately 328 acres in size and is bounded by the Alum Fork of the Saline River on the north and east sides, the Middle Fork of the Saline River on the south side, and a mix of pastureland, forested land, and one residence on the west side. The mitigation site receives its hydrology from rainfall and overtopping of the Middle and Alum Forks. A large portion of the property lies within the 100-year floodplain of the Alum and Middle Forks, which are perennial streams that converge with the South Fork approximately two miles south of this site. The South Fork flows for approximately ten more miles before converging with the North Fork to form the Saline River. The Saline River is the largest remaining undammed stream in the Ouachita Mountain region. The Saline River flows through the southern half of the state and into the Ouachita River at the Felsenthal National Wildlife Refuge near the Arkansas/Louisiana state line.

The mitigation site is currently used for hay production, and to graze cattle and horses. The natural landform has been altered for ranching activities such as pond construction and grazing. Three unnamed intermittent streams on the property have been modified and/or dammed since 2001.

The Middle and Alum Forks, and many of their associated tributaries, are listed as Ecologically Sensitive Waterbodies. This designation is based on the presence of the Arkansas fatmucket (*Lampsilis powellii*), a Federally listed threatened freshwater mussel, and the Ouachita madtom (*Noturus lachneri*), a rare endemic fish. The proposed bank site is also home to a nesting pair of bald eagles (*Haliaeetus leucocephalus*). The Arkansas Department of Natural Heritage has records for several other rare species from the Middle Fork adjacent to the site including: the elktoe (*Alasmodonta marginata*), the flutedshell (*Lasmigona costata*), the Ouachita kidney shell (*Ptychobranhus occidentalis*), the purple Lilliput (*Toxolasma lividum*), and the little spectaclecase (*Villosa lienosa*).

Soils on the site are mapped into the following five soil units according to the 1979, United States Department of Agriculture (USDA), *Soil Survey of Saline County, Arkansas*: Avilla silt loam, Caddo Variant-Messer Variant, Caddo-Messer, Carnasaw-Townley, and Ouachita silt loam. The Caddo-Messer complex is listed as a hydric soil and covers the majority of the site. The Caddo Variant-Messer Variant complex consists of poorly drained soils in the intermound areas and moderately drained or well drained soils on the rounded mounds. Avilla silt loam is a well drained, gently sloping soil on stream terraces in the valleys. Ouachita silt loam is frequently flooded and well drained, deep, level and nearly level soil on the floodplains along streams. The Carnasaw-Townley association is described as a well drained soil formed in a thin layer of loamy material, with an underlying clayey material weathered from shale.

Native vegetation on the floodplains and low terraces consists of southern red oak (*Quercus falcata*), river birch (*Betula nigra*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), sycamore (*Platanus occidentalis*), black willow (*Salix nigra*), and elm species (*Ulmus* sp.).

The AHTD proposes to preserve the existing wetlands and riparian stream corridors, restore stream hydrology in the intermittent streams, and reforest the entire tract, including uplands and wetlands. Upland areas would function as a buffer and wildlife sanctuary for terrestrial wildlife and migratory birds during flooding. Hydrology would be restored to approximately 8,000 linear feet of stream by removal of pond levees and inadequately sized culverts. Cattle, horses and the associated agricultural practices would be removed from the property. Non-native vegetation and pines would be removed in the wetland and stream restoration areas to promote the growth of bottomland hardwood trees. Approximately 11,585 linear feet of stream, 12 acres of riparian buffer, and 7 acres of wetlands would be preserved. The site would be monitored for a minimum of five years to ensure hydrologic and revegetation success, and would be perpetually preserved.

The proposed bank site lies in the Upper Saline 8-digit hydrologic unit code (HUC) as classified by the U.S. Geological Survey (USGS). The AHTD proposes that this bank site serve as mitigation for wetland and stream impacts occurring in the following HUC's: Upper Saline, Lower Saline, and Ouachita Headwaters. The Upper Saline and Lower Saline would serve as

primary service areas and the Ouachita Headwaters would serve as the secondary service area. These HUC's lie within the Ouachita Mountain and Gulf Coastal Plain ecoregions.

The IRT reviewed the draft prospectus and inspected the site. They agreed that the site was an acceptable area for development of a bank.

The location, general plan and photos for the proposed work are shown on the enclosed Sheets 1 through 9 of 9.

Cultural Resources. The National Register of Historic Places has been consulted; and it has been determined that there are no properties currently listed in the Register, or eligible for inclusion therein, which would be affected by the proposed work. A Corps staff archeologist also will review topographic maps and data on reported sites in the area. If it is determined that further review is not warranted, these reviews will constitute the full extent of cultural resources investigation by this office unless we are made aware, as a result of comments received in response to this notice or by other means, of the existence of specific structures or sites which might be affected by the proposed work.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service (USF&WS) and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain Management.

Section 404(b)(1) Guidelines. Designation of the proposed disposal site for material associated with this Federal project shall be made through the application of guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), in conjunction with the Secretary of the Army. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230. If these guidelines alone prohibit the designation of the proposed disposal site, any potential impairment to the maintenance of navigation, including any economic impact on navigation and anchorage which would result from the failure to use this disposal site, will also be considered.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **18 March 2013**. Substantive comments, both favorable and unfavorable, will be accepted and made part of the record and will receive full consideration in the review of this work. The review will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That review will reflect the national concern for both protection and utilization of important resources.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing.

Any person may request in writing within the comment period specified in this notice that a public hearing be held in regard to this project. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

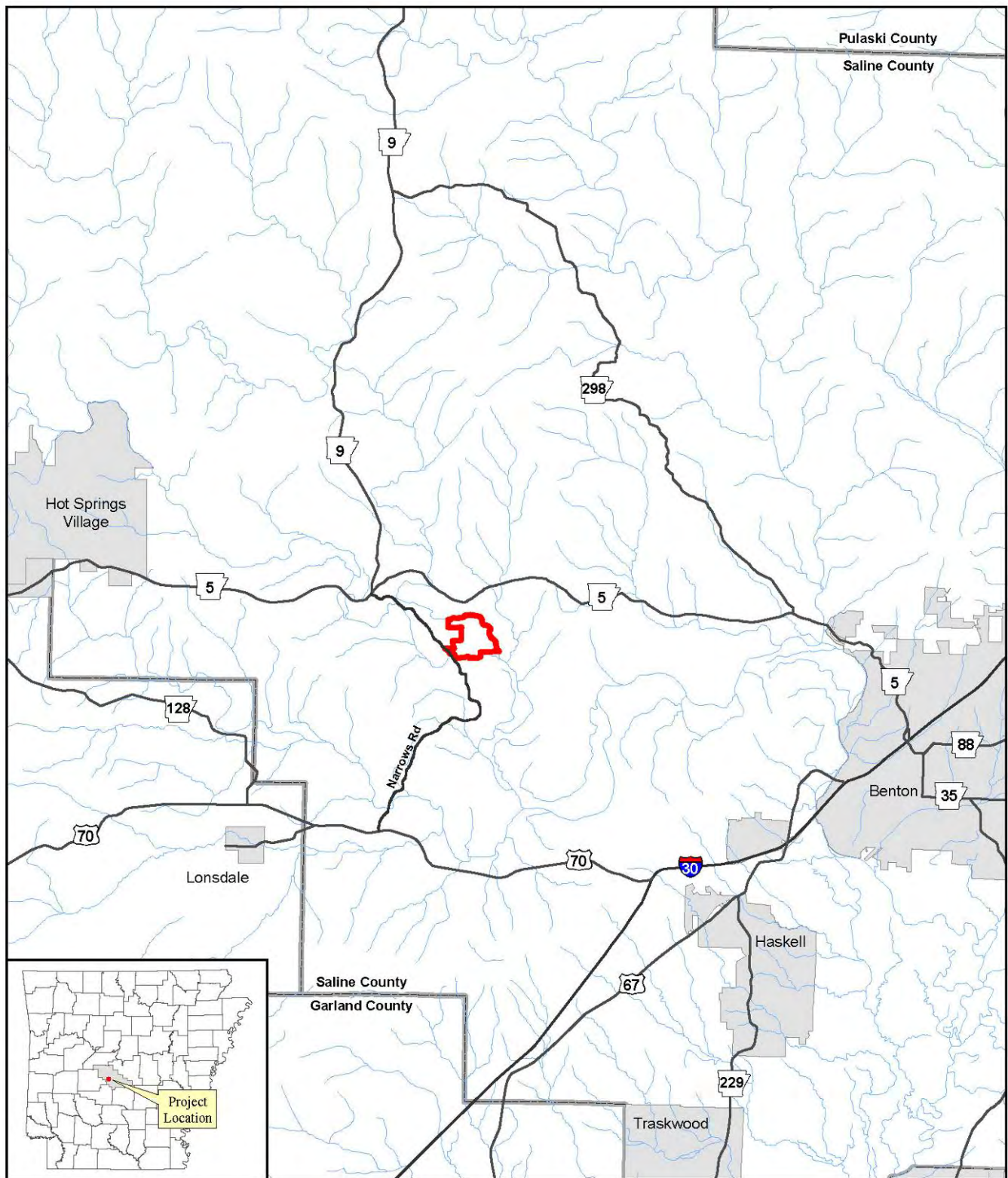
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosures

Approximate Coordinates of Project Center

Latitude: **34.60172** Longitude: **-92.73772**

UTM Zone: **15** Northing: **3828909** Easting: **524048**



0 1 2 Mile

AHTD - Environmental GIS - Reed
February 10, 2012

Figure 1
Proposed Upper Saline River
Mitigation Area



Project Location

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AHTD – Upper Saline River
Mitigation Bank Prospectus
February 2013 **Sheet 1 of 9**

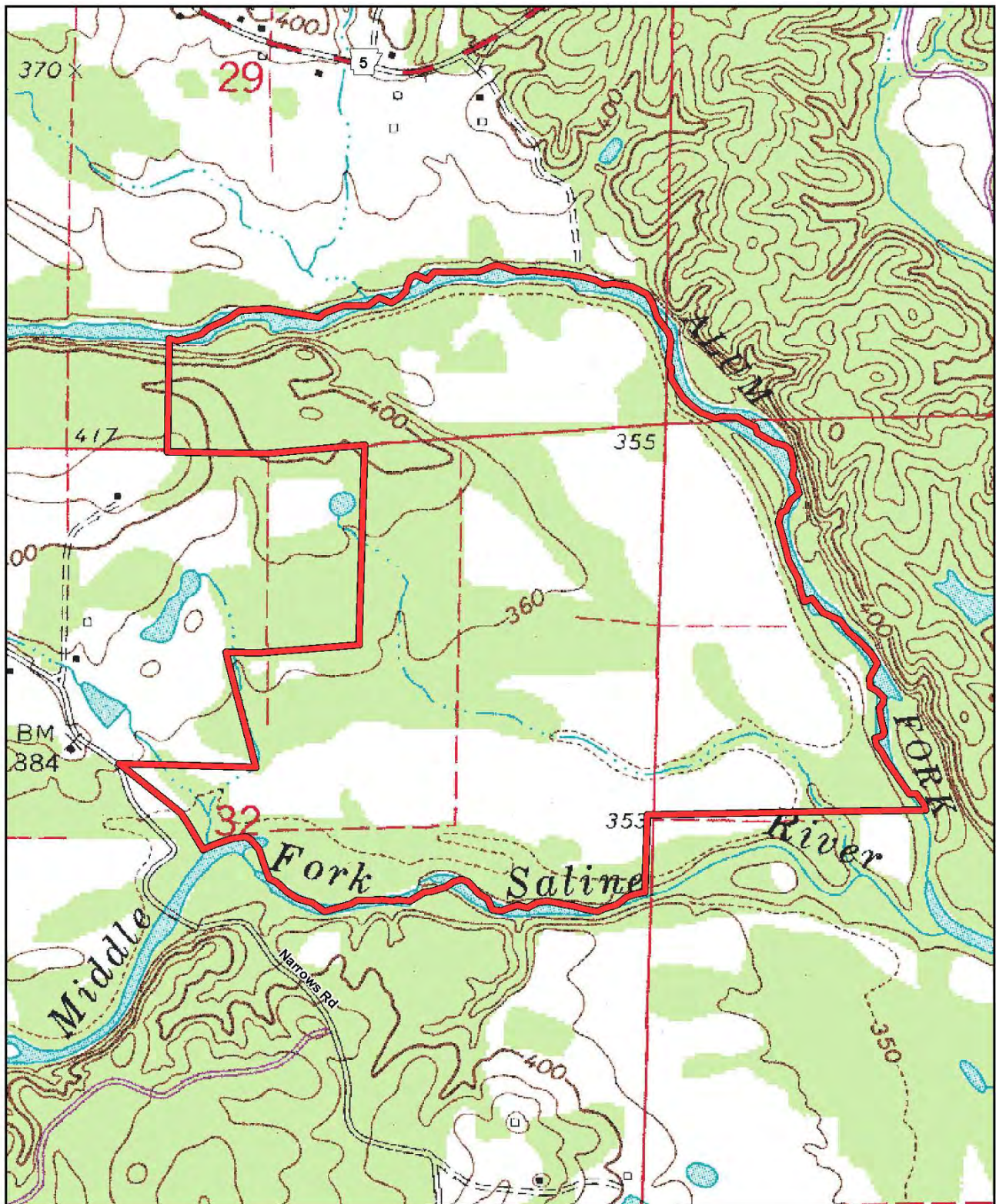


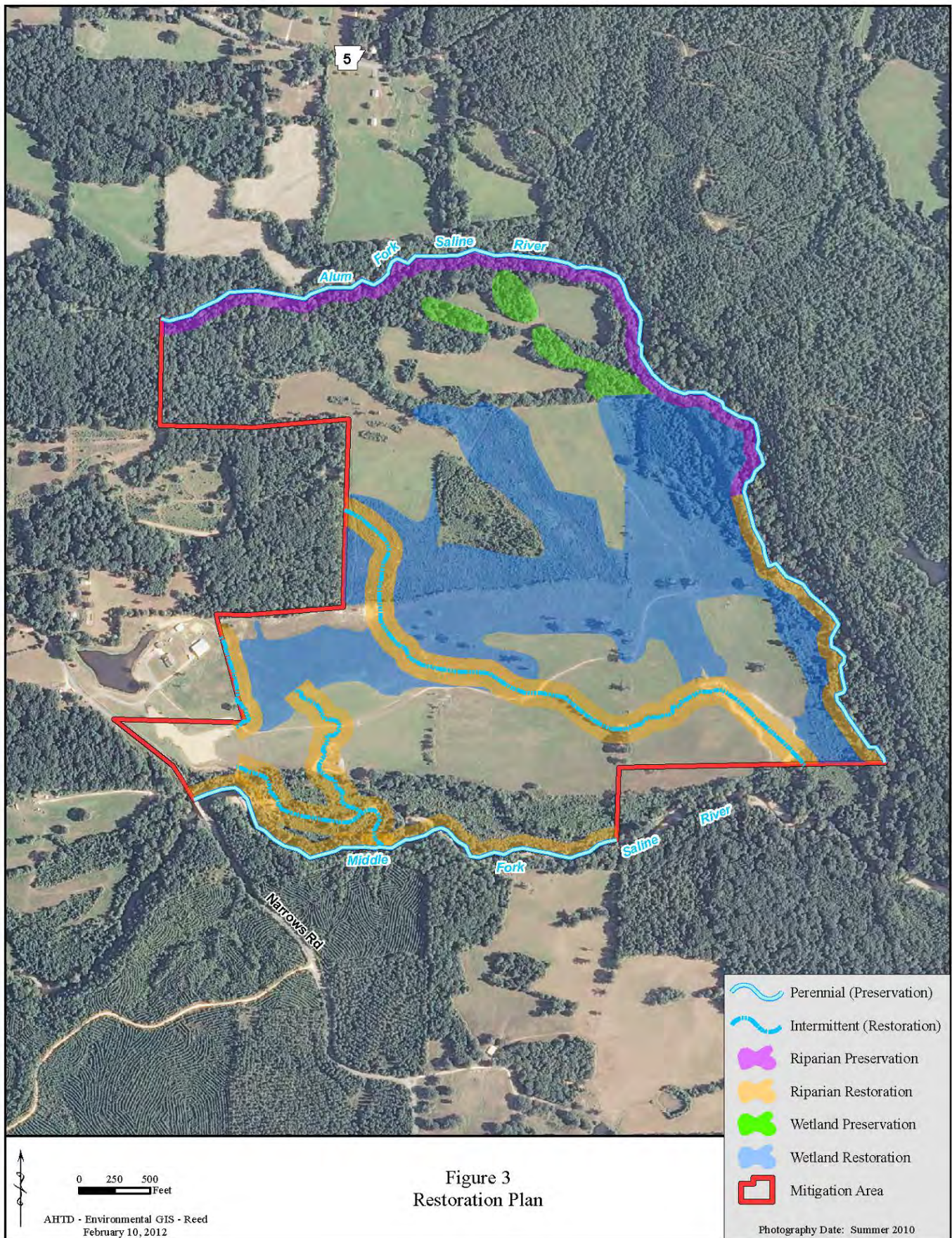
Figure 2
Topographic Map

AHTD - Environmental GIS - Reed
February 10, 2012

Haskell 1988 USGS Topographic Map

Mitigation Area

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AHTD – Upper Saline River
Mitigation Bank Prospectus
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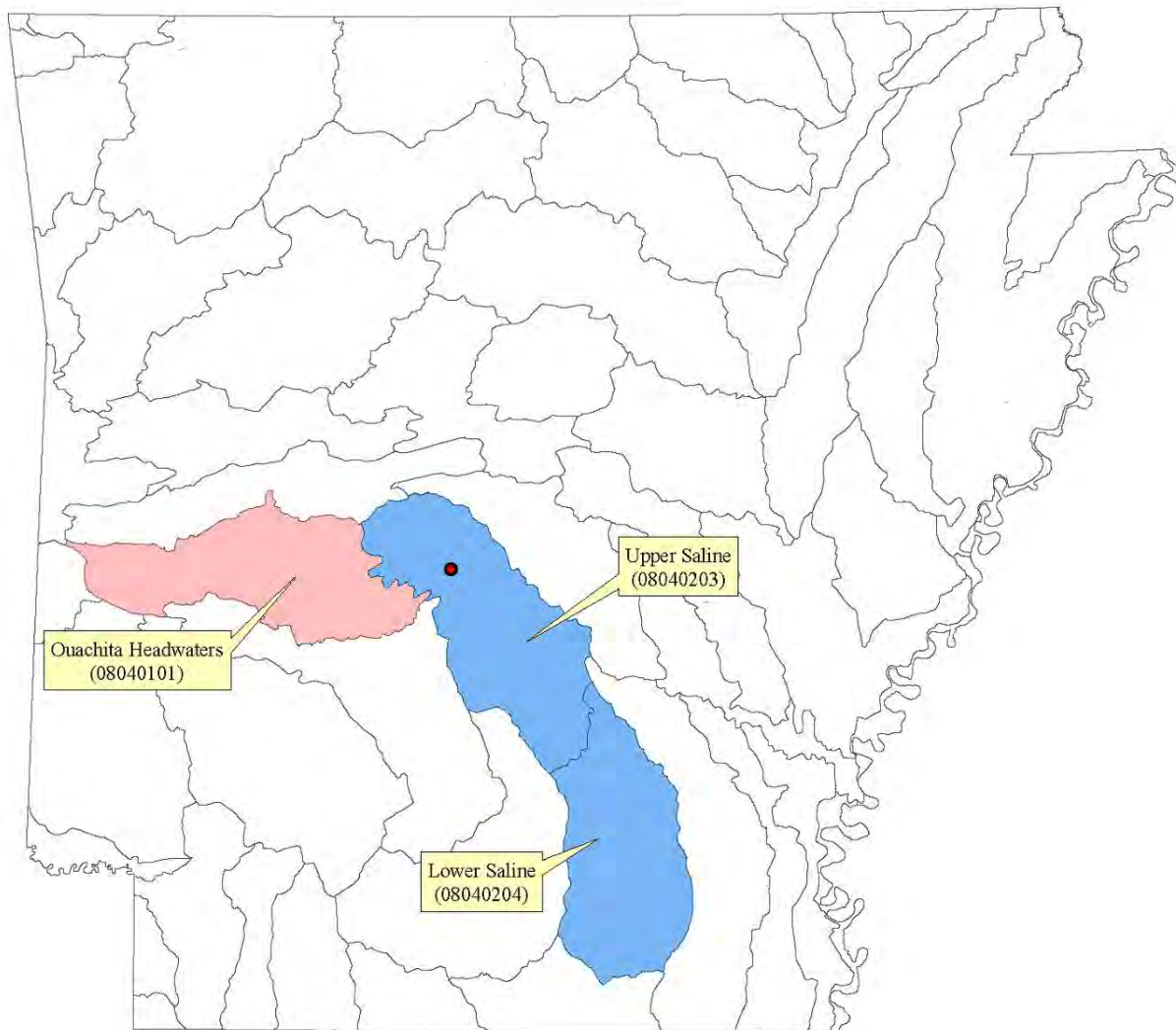
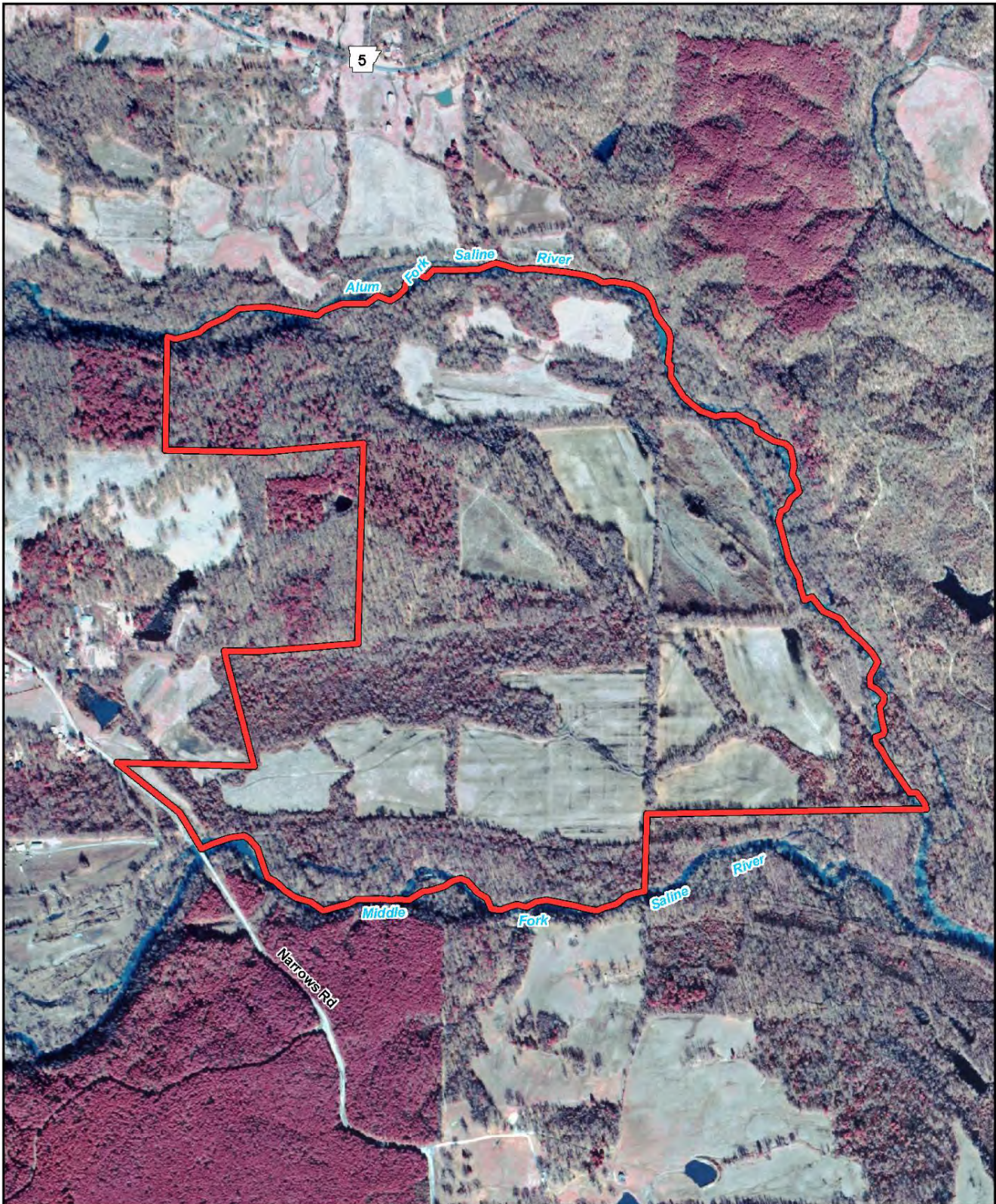


Figure 4
Proposed Service Area Watersheds

AHTD - Environmental GIS - Reed
February 10, 2012

- Proposed Mitigation Area
- Primary Service Area
- Secondary Service Area




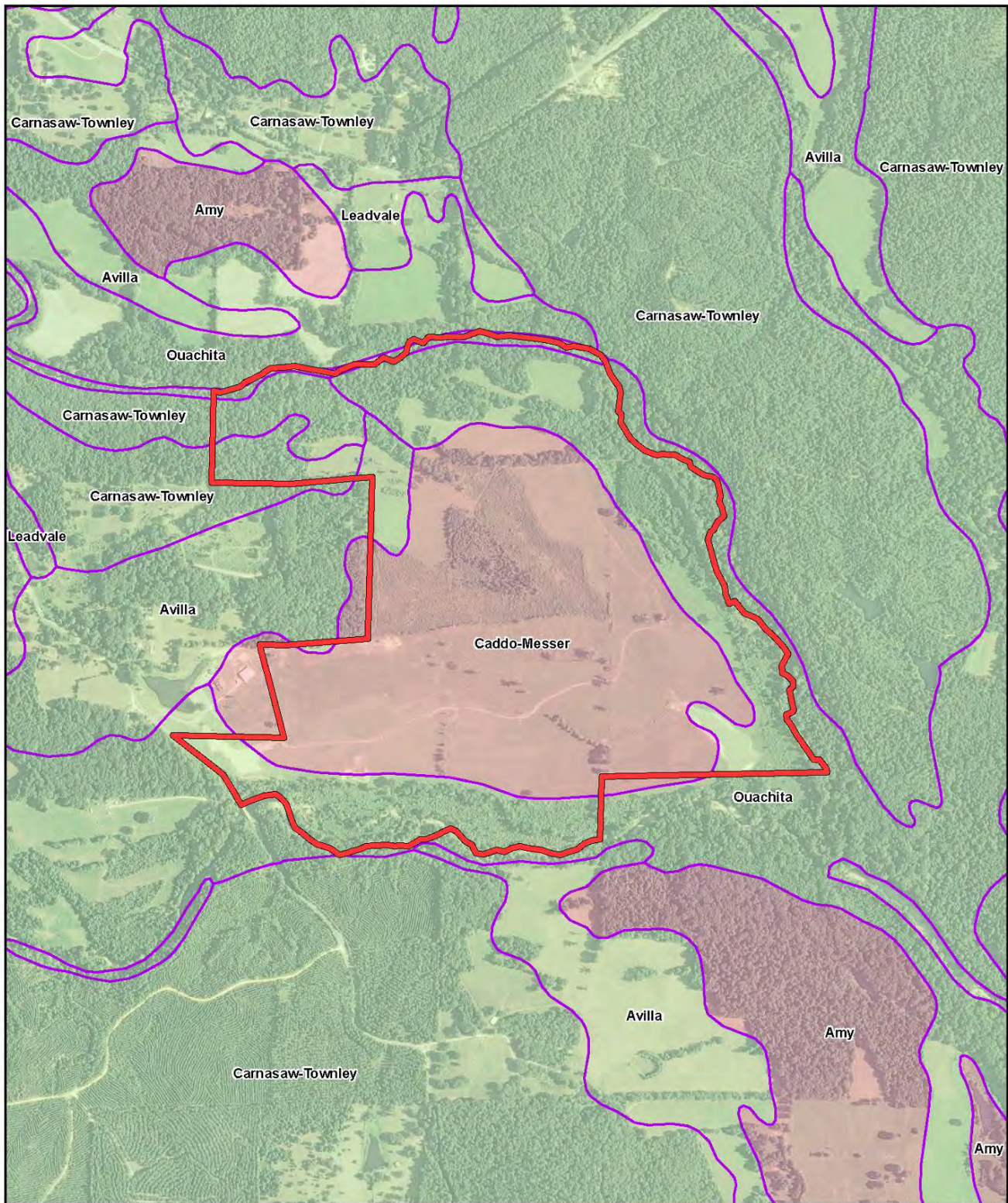

 0 250 500 Feet
 AHTD - Environmental GIS - Reed
 February 10, 2012

Figure 5
Historic Imagery

 Mitigation Area

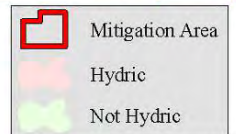
Photography Date: January 30, 2001



0 500 1,000 Feet

AHTD - Environmental GIS - Reed
February 10, 2012

Figure 6
Soil Map



Photography Date: Summer 2010

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AHTD – Upper Saline River
Mitigation Bank Prospectus
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Typical View of Middle Fork of Saline River



Typical view of Alum Fork of Saline River



Typical view of unnamed intermittent tributary and road crossing

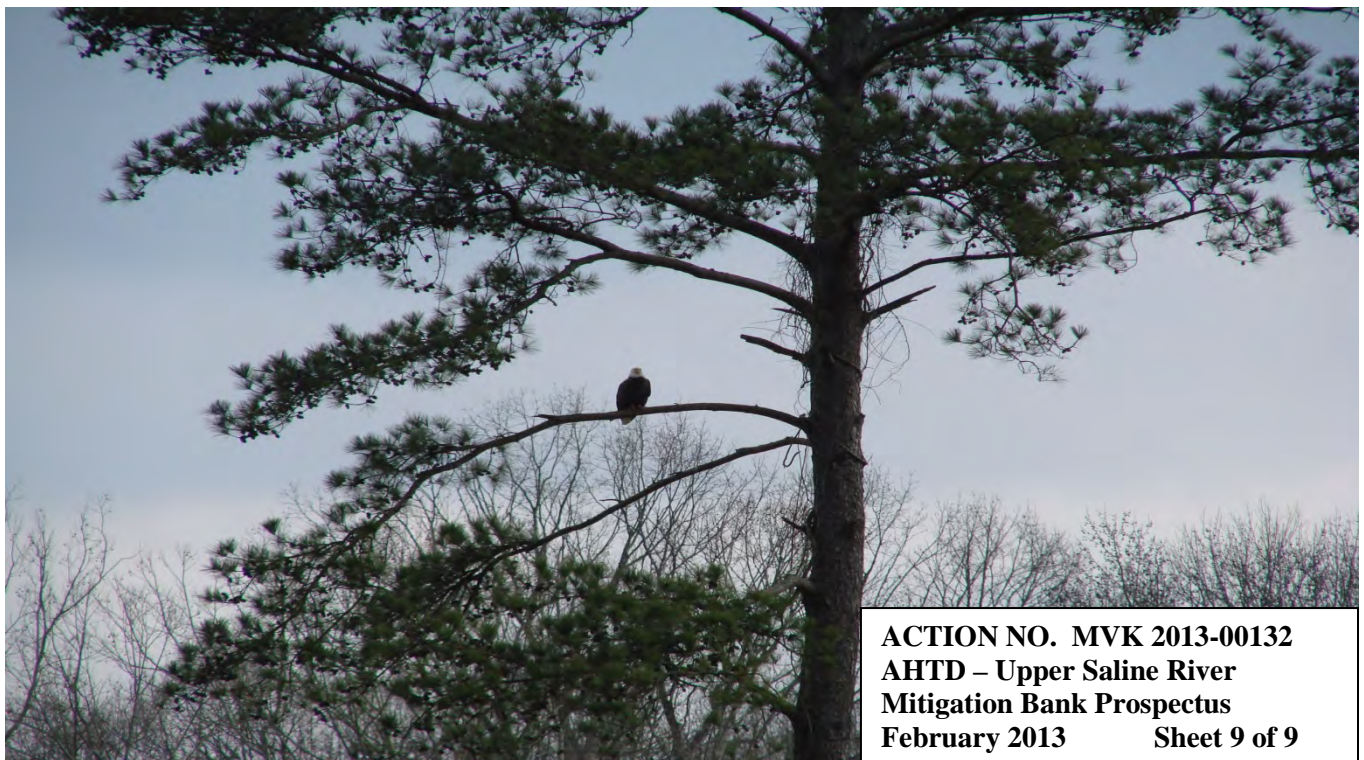


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Typical view of wetland area to be restored



Wilson's snipe utilizing the existing wetlands in the pasture



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Bald eagle perched in tree adjacent to Middle Fork Saline River