

## JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number:MVM 2013-00440-1Date:Date:Comments Due:April 27, 2015

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

<u>Point of Contact</u>. If additional information is desired, please contact the project manager, 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.

<u>Project Information.</u> 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) PO Box 2261 Little Rock, Arkansas 72203

has requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the Interstate 40 Bridge and Approaches crossing the White River in Prairie County near the Wattensaw Wildlife Management Area. The proposed project is located approximately five miles north of DeValls Bluff at River Mile 126.6, in sections 29, 31, and 32, T. 3 N., R. 4 W., Prairie County, Arkansas.

Construction of the new bridge would be approximately 200 feet upstream from the existing bridge in order to avoid the interruption of highway traffic.

The bridge over the navigable portion of the White River would require authorization from the U.S. Coast Guard (USCG) in accordance with Section 9 of the Rivers and Harbors Act. The existing bridge is 2,701 feet long by 65.5 feet wide and has 200.0 feet of horizontal clearance for commercial navigation vessels between piers. The proposed bridge would be 2,842 feet long by 117.0 feet wide and have 321.5 feet of horizontal clearance between piers. The existing bridge has 42.0 feet of vertical clearance above the 2% flow line (elevation 182.2 mean sea level). The proposed bridge would have 51.9 feet of vertical clearance above the 2% flow line. The public notice published by the USCG can be found at:

http://www.navcen.uscg.gov/?pageName=pnBridges&Active=1&region=8&ext=r

The AHTD's stated purpose is to ensure that the Interstate 40 Bridge will continue to safely provide for modern transportation needs across the White River. The existing bridge is considered structurally deficient due to the condition of the deck, superstructure and substructure, and is considered functionally obsolete due to the narrow deck width. The project is water dependent.

The existing roadway consists of four 12-foot-wide travel lanes with 10-foot-wide outside shoulders and 3-foot-wide inside shoulders. The proposed roadway would have six 12-foot-wide travel lanes with 10-foot-wide outside and inside shoulders. The lanes would be separated by a concrete barrier. Total length of the project is approximately 1.2 miles.

The project would require the discharge of approximately 11,728 cubic yards of permanent fill and 1,290 cubic yards of temporary fill into wetlands, and the discharge of approximately 23,810 cubic yards into wetlands and the White River for bridge pier footing construction. The project would permanently impact approximately 14.47 acres of wetlands and temporarily impact approximately 0.5 acres of the White River. The majority of impacts would be to bottomland hardwood and scrub-shrub wetlands located within the existing highway right-of-way. The bottomland hardwood wetlands are dominated by American elm *(Ulmus Americana)*, pecan *(Carya illinoisensis)*, water oak *(Quercus nigra)*, Nuttall/Texas red oak *(Quercus texana)*, sugarberry *(Celtis laevigata)*, and Cherokee sedge *(Carex cherokeensis)*. The scrub-shrub wetlands are agricultural fields that have been reforested with hardwood seedlings. Dominant vegetation includes Nuttall/Texas red oak *(Quercus texana)*, green ash *(Fraxinus pennsylvanica)*, marsh flat sedge *(Cyperus pseudovegetus)*, and swamp smartweed *(persicaria hydropiperoides)*. The AHTD has offered to offset these impacts with a total of 164.7 credits (47 acres) at the Glaise Creek Wetland Mitigation Bank near Worden, Arkansas.

The U.S. Fish and Wildlife Service (USF&WS) records listed three Federally endangered or threatened species in Prairie County. These species include the Ivory-billed Woodpecker *(Campaphilis principalis)*, Pink Mucket *(Lampsilis abrupta)*, and Piping Plover *(Charadris melodus)*. On May 30, 2012, and June 7, 2012, surveys were conducted to assess potential impacts to listed species. No listed species were found during the surveys; therefore, the determination was made that the project was not likely to adversely affect the listed species. The USF&WS issued their concurrence determination on August 4, 2014.

Two species of migratory birds, the cliff swallow *(Petrochelidon pyrrhonota)* and barn swallow *(Hirundo rustica)*, have been observed nesting on the existing bridge. To ensure compliance with the Migratory Bird Treaty Act, requirements will be provided to the contractor on the USF&WS approved protective procedures to be used during the active nesting season of these bird species.

The invasive zebra mussel *(Dreissena polymorpha)* is known to occur within the White River from its confluence with the Arkansas River north to Clarendon, Arkansas. Arkansas Game and Fish Commission Regulation 32.16 prohibits the transportation of zebra mussels into or between the waters of the State of Arkansas; therefore, the contractor will be notified of the presence of zebra mussels and will be required to take USF&WS approved measures to ensure that no zebra mussels or their larva are transported to waters where they do not currently occur.

Analysis of the floodplains evaluated the placement of fill in Zone A Special Flood Hazard Areas identified on the Prairie County Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA). As part of the evaluation, a HEC-RAS model was prepared by the U.S. Army Corps of Engineers, Memphis District. The proposed bridge has been evaluated to confirm that the 100-year water surface elevation is not adversely impacted compared to the existing conditions. The proposed bridge creates slightly less backwater than the existing bridge. Therefore, the actual 100-year water surface elevation and limits of the 100-year floodplain will not be impacted by the proposed action.

There are no relocations or environmental justice issues associated with the proposed project. No impacts to cultural resources are anticipated. Although 0.2 acres of the Wattensaw Wildlife Management Area would be impacted by this project, there are no Section 4(f) or Section 6(f) impacts. Approximately 1.4 acres of Prime Farmland and 1.7 acres of Farmland of Statewide Importance would be converted to highway right-of-way. The Federal Highway Administration approved a Categorical Exclusion for the proposed project on December 3, 2014, based on their conclusion that there are no significant environmental impacts.

The location, bridge plan and elevation profiles, photographs of the wetlands and required mitigation credits worksheet, and bridge layout drawings for the proposed work are shown on the enclosed Sheets 1 through 12 of 12.

<u>Water Quality Certification</u>. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification would be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

<u>Cultural Resources</u>. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

<u>Floodplain</u>. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 CFR Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit which involves the discharge of dredged or fill material would include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230.

<u>Public Involvement</u>. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before <u>April 27, 2015</u>. Substantive comments, both favorable and unfavorable, would be accepted and made a part of the record and would receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit would be based on an evaluation of the

probable impact including cumulative impacts of the proposed activity on the public interest. That decision would reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal would be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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. Any comments received would be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, 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 and to determine the overall public interest of the proposed activity.

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

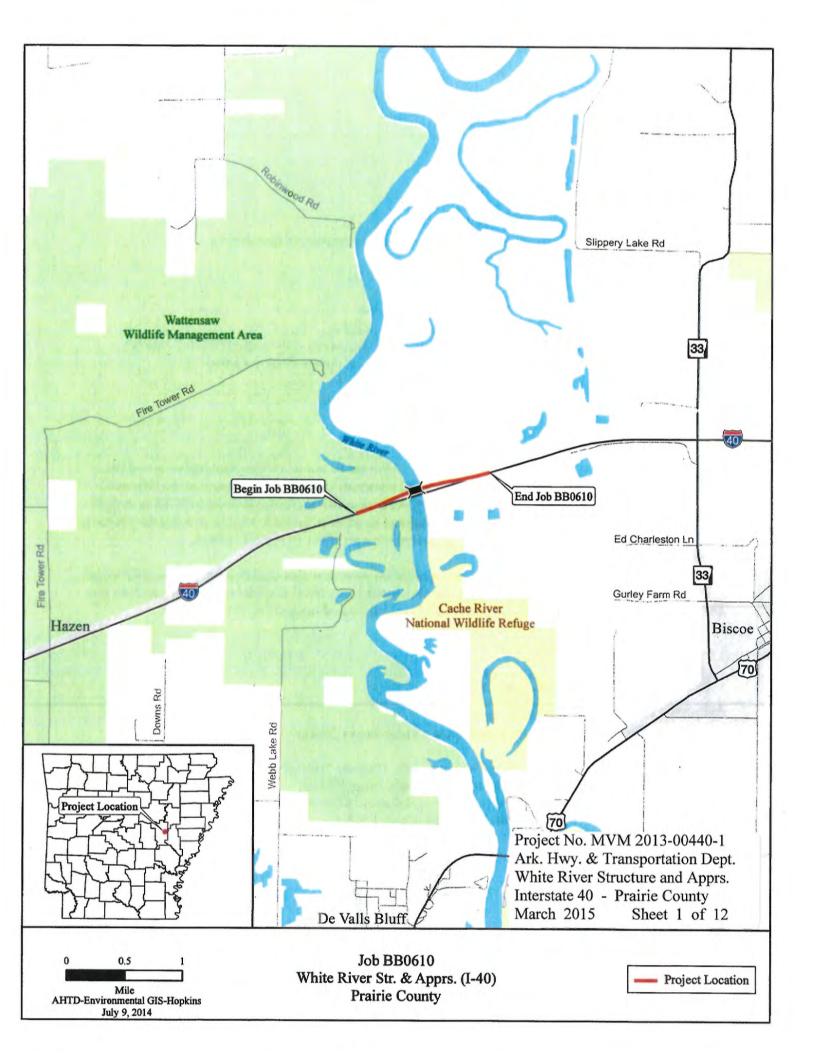
**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

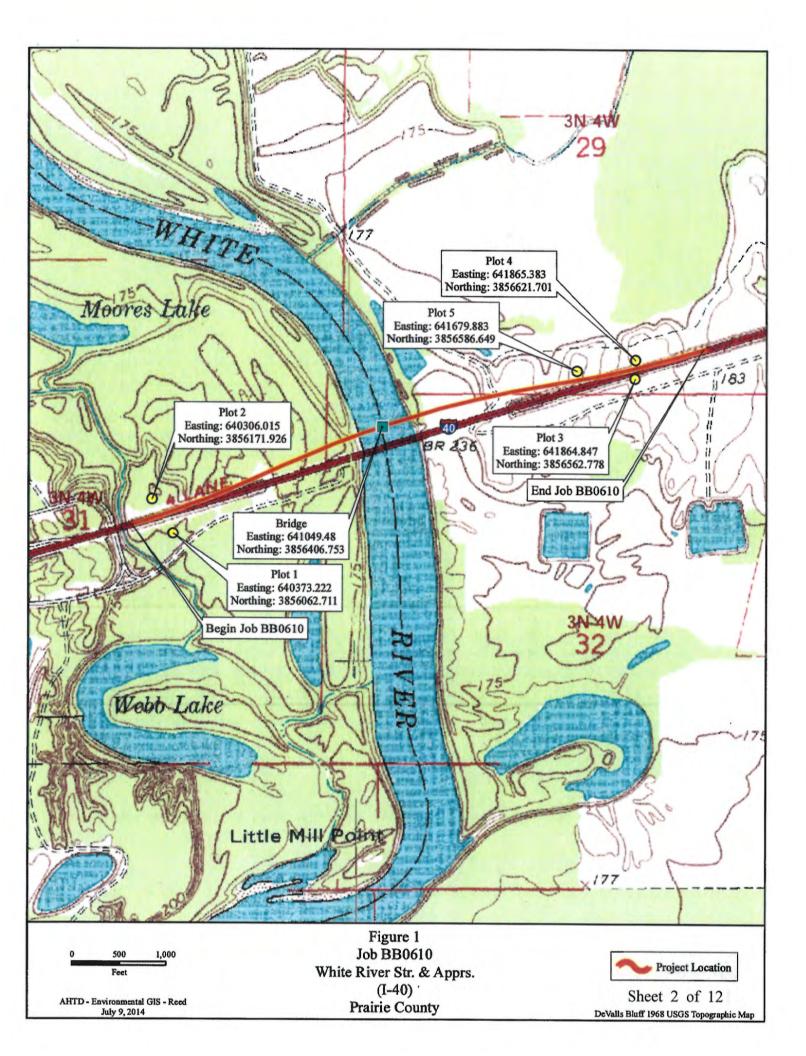
Enclosures

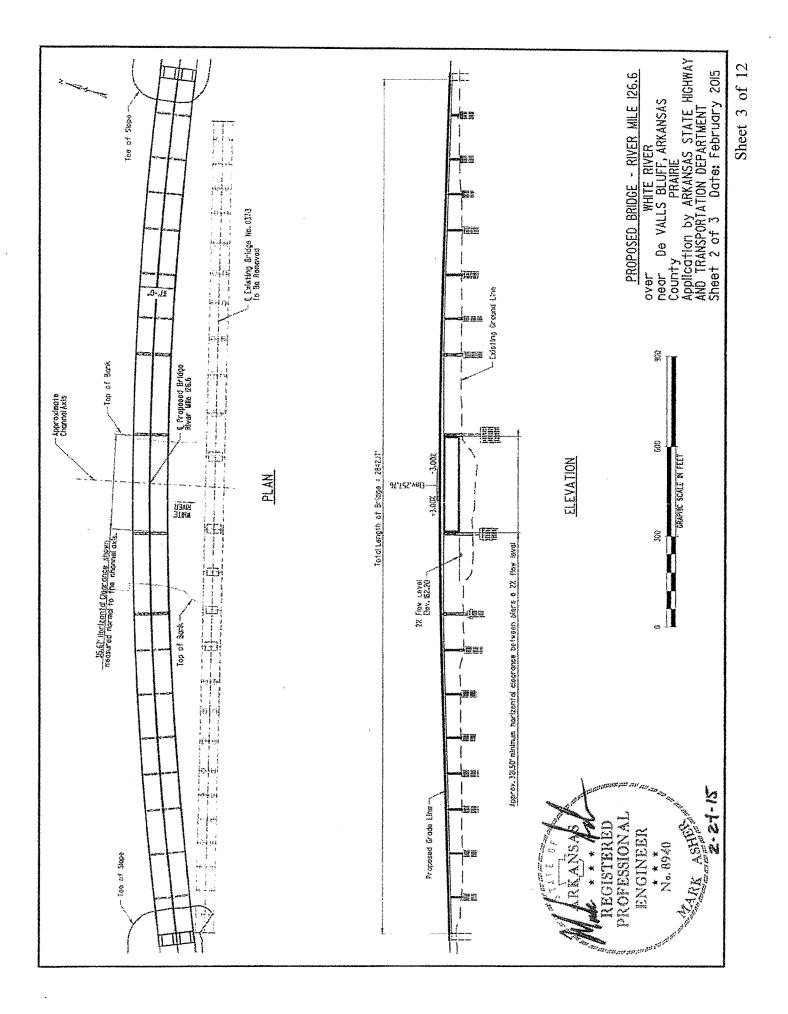
Approximate Coordinates of Project Center

UTM Zone: 15 Northing: 3856347 Easting: 641075

Latitude: 34.83966 Longitude: -91.45707







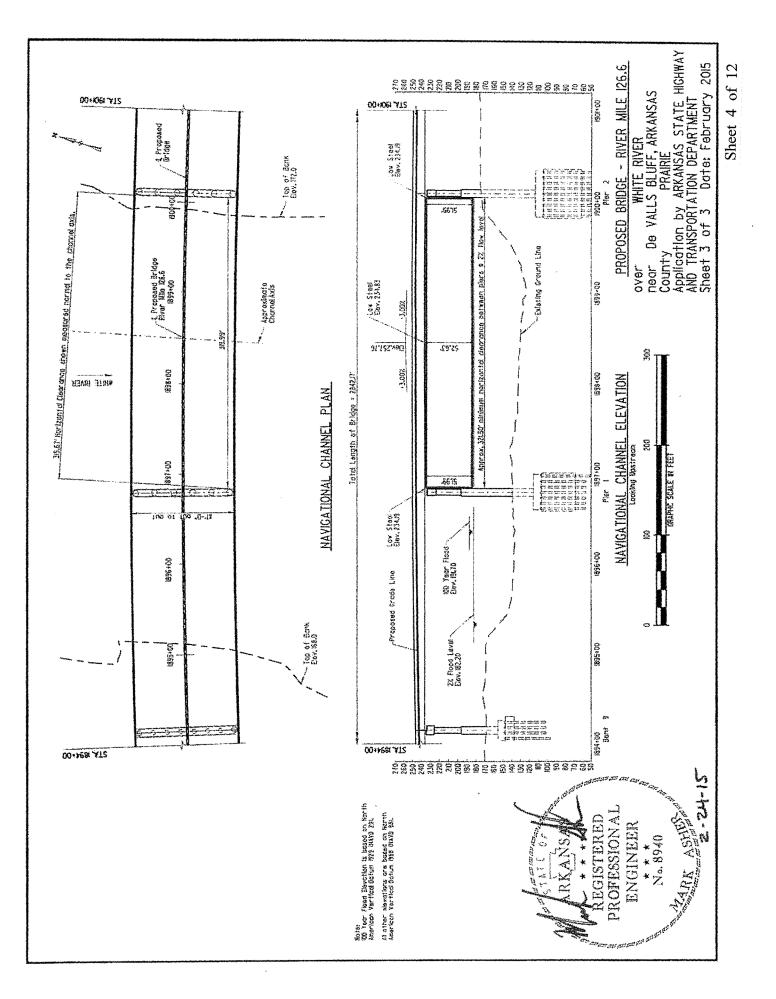




Figure 4. Typical View of Bottomland Hardwood Wetlands within White River Floodplain, Prairie County



Figure 5. Typical View of Scrub/Shrub Wetlands within White River Floodplain, Prairie County

Factor	Area 1 Forested	Area 2 Forested	Area 3 Forested	Area 4 Forested	Area 5 Scrub- shrub	Area 6 Forested	Area 7 Scrub- shrub	Area 8 Forested	Area 9 Scrub- shrub
Lost Type	Type A 3.0	Type A 3.0	Type A 3.0	Туре А 3.0	Type A 3.0				
Priority Category	Primary 2.0	Primary 2.0	Primary 2.0	Tertiary 0.5	Tertiary 0.5	Tertiary 0.5	Tertiary 0.5	Tertiary 0.5	Tertiary 0.5
Existing Condition	Fully Function al 2.5	Fully Function al 2.5	Fully Function al 2.5	Fully Function al 2.5	Slightly Impaire d 2.0	Fully Function al 2.5	Slightly Impaire d 2.0	Fully Function al 2.5	Slightly Impaire d 2.0
Duration	Over 10 2.0	Over 10 2.0	1 to 3 0.5	Over 10 2.0	Over 10 2.0	Over 10 2.0	Over 10 2.0	1 to 3 0.5	1 to 3 0.5
Dominant Impact	Fill 3.0	Clear 1.0	Fill 3.0	Fill 3.0	Fill 3.0	Clear 1.0	Clear 1.0	Fill 3.0	Fill 3.0
Cumulativ e Impact	. 0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Location	On site 0.0	On site 0.0	On site 0.0	On site 0.0	On site 0.0				
Sum of r Factors	R <sub>1</sub> = 13.2	R <sub>2</sub> = 11.2	R <sub>3</sub> = 11.7	R₄= 11.7	Rs= 11.2	R <sub>6</sub> = 9.7	R <sub>7</sub> = 9.2	R <sub>8</sub> = 10.2	R₀= 9.7
Impacted Area	A <sub>1</sub> = 2.28	A <sub>2</sub> = 2.55	A3= 1.33	A4= 4.86	A <sub>5</sub> = 0.13	A <sub>6</sub> = 1.65	A <sub>7</sub> = 0.87	A <sub>8</sub> = 0.60	A <sub>9</sub> = 0.20
R x AA=	30.1	28.6	15.6	56.9	1.5	16.0	8.0	6.1	1.9

## **Required Mitigation Credits Worksheet**

Total Required Credits =  $\sum (R \times AA) = 164.7$ 

The wetland impacts total is 14.47. The average credits per acre at the Glaise Creek Mitigation Bank is 3.5 (164.7 credits  $\approx$  47 acres); equivalent acreage ratio is 3.2:1.

