

APPLICATION NO. **2002-17892**

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATE OF ARKANSAS
(25-Day Comment Period)
(Comment Expiration Date – August 09, 2012)

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 managers, Mr. Tim Scott or Ms. Sarah Chitwood, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email addresses: tim.scott@usace.army.mil or sarah.l.chitwood@usace.army.mil.

Project Information. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Arkansas Game and Fish Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the dredging of sediment from portions of the bottom of the 87-acre Rector Brake backwater area. This project would restore habitat features that would increase habitat diversity for fisheries. The proposed project is located in the Arkansas River along the left descending bank between Navigation Miles (NM) 130.0 to 131.2, in Maumelle, Pulaski County, Arkansas.

The overall purpose of the project is to restore degraded fisheries habitat in the Arkansas River backwater area known as Rector Brake for fisheries and wildlife. The basic purpose of the project is to improve fisheries in the Arkansas River, increase fishing opportunities, and provide easier and safer access into the area by the proposed construction of a functional main channel. The project is water dependent.

According to the Arkansas Game and Fish Commission (Commission), the Arkansas River has lost approximately 9,500 acres of backwater habitat since 1970 and much of the remaining

CESWL-RD

backwater is too shallow and silty to support good populations of sport fish such as black bass. The Commission reports that a 2010 electrofishing sampling project within Rector Brake resulted in the lowest catch rate for black bass among four backwater areas in Pool 7 of the Arkansas River, where Rector Brake is located. Sedimentation of the backwater area has primarily occurred from occasional overland flooding and deposition of material by the Arkansas River during high flood events and sediment discharged from a tributary draining into the area from the City of Maumelle.

The proposed project would consist of utilizing a Mudcat hydraulic dredge to excavate sediment and transport the sediment by pipeline. A booster pump would be utilized to assist in transporting the dredged material overland across the peninsula. The proposed disposal area is a designated Corps of Engineers dredged material disposal area, along the left descending bank, at approximate NM 130.7. The use of this area would require further evaluation from the Corps before approval may be granted. The disposal area is approximately 30 acres in size and ranges from 5 to 20 feet in depth. It is estimated that a total of approximately 86,000 cubic yards, or 53 acre-feet, would cover either 17.6 acres of the existing disposal site with 3 feet of dredged spoil or 13 acres of the existing disposal site with 4 feet of dredged spoil.

Numerous fisheries habitat features and channels would be constructed. A thalweg main channel 4,500 feet long and 50 feet wide, with an average depth of 4 feet and a maximum depth of 9 feet, would be constructed for boating access and habitat diversity. It is estimated that a total of 31,000 cubic yards of material would be removed to develop the channel. The channel cross-section would be 10 to 20 feet in width at the bottom, with side slopes of 1 vertical to 4 horizontal. The channel would be located at least 40 feet away from the bank to prevent bank erosion. The channel would narrow on the upstream end. Four minor channels would be dredged for a total of 25,000 cubic yards. Each of the channels would be no more than 30 feet wide and 8 feet deep, and the four channels would total approximately 3,500 feet in length. Six fishing holes would be dredged to a maximum depth of 6 to 8 feet and approximately 50 to 90 feet in diameter. Spawning gravel, anchored root wads and brush /PVC shelters would be added to the deeper holes. These habitat structures would be away from the main channel that may receive boat traffic. Additional dredged minor channels would allow access to these six sites. Total quantity of material removed for the fishing holes is estimated at 29,766 cubic yards (4,961 cubic yards per fishing hole).

The Little Rock Regulatory Division does not typically require mitigation for Standard Permits specific to Section 10 activities, such as dredging. Due to this established standard operating procedure, the minor impacts and the beneficial aspects of this project, no mitigation would be required if the evaluation determines that the discharge has minimal impacts. The Commission believes no compensatory mitigation is required due to the findings of the *Final Environmental Impact Statement Arkansas River Navigation Study*, which states that dredging Rector Brake would provide positive benefits to the river system. It has been determined that there are both

CESWL-RD

forested and fringe herbaceous wetlands along the eastern shoreline of the peninsula; however, there are no anticipated impacts to these wetlands as a result of the dredging operation.

The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. 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 will 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.

Cultural Resources. 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.

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 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. The evaluation of activities to be authorized under this permit which involves the discharge of dredged or fill material will 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.

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 **August 09, 2012**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the

CESWL-RD

probable impact including cumulative impacts of the proposed activity on the public interest. That decision will 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 will 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 will 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 will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

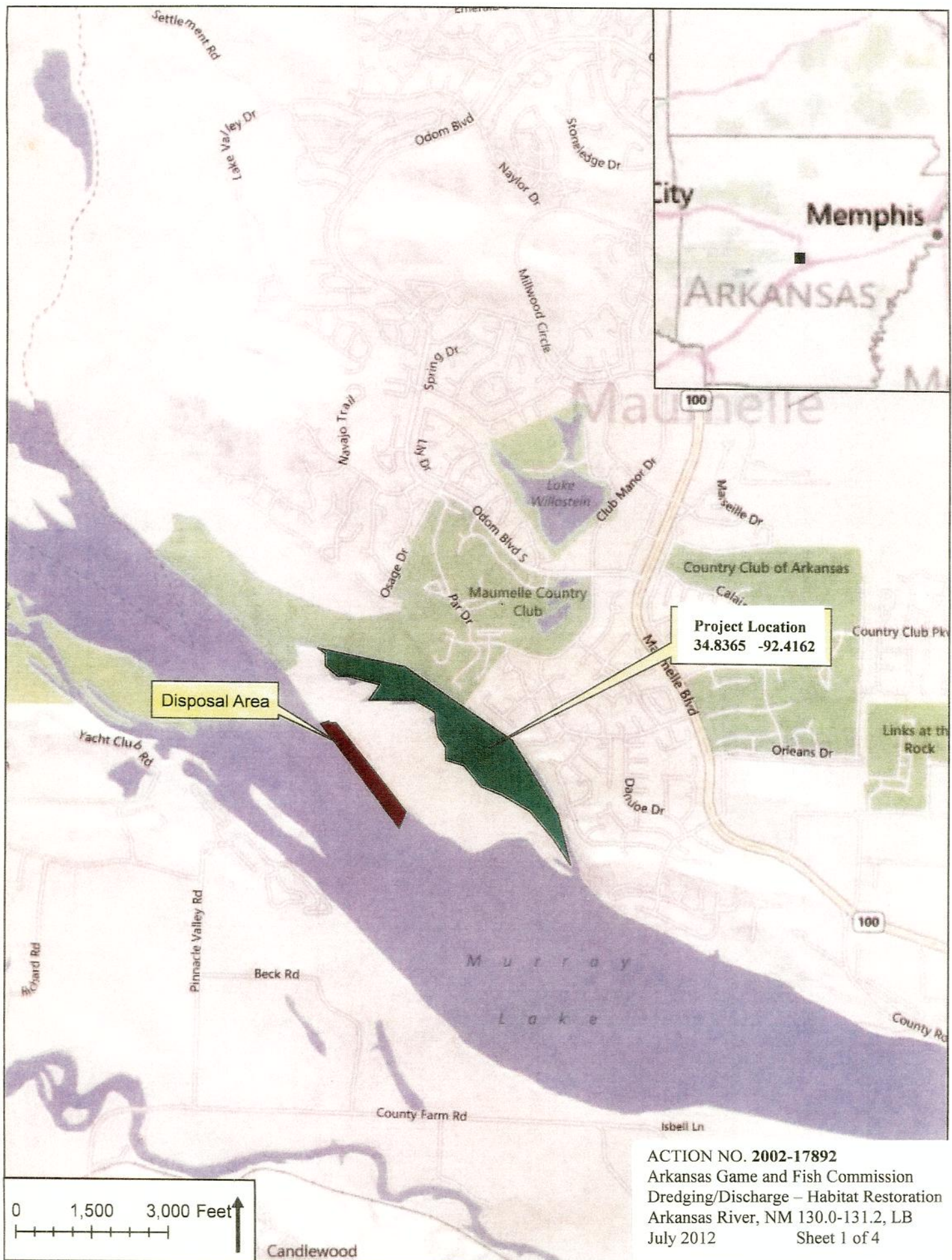
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **34.8365** Longitude: **-92.4162**

UTM Zone: **15** North: **3855071** East: **553376**



MAP #18 – Project design plans to rehabilitate aquatic habitat in Rector Brake, a backwater of the Arkansas River near Maumelle, Arkansas. A Mudcat hydraulic dredge (picture below) will be used to dredge out a main channel, side channels, and deep holes (53 acre-ft of spoil). Fisheries habitat structures such as root wads, spawning gravels, and brush shelters will be anchored into the substrate with concrete block anchors. Dredge spoil will be conveyed across the peninsula, via a booster pump, to the 30-acre dredge disposal area.



Mudcat hydraulic dredge



0 0.05 0.1 0.2 Miles

Legend

● Sampling Sites

Wetlands

Additional Wetlands

Primarily Fringe Wetlands
2-3' - 6' width

Figure 4b

Aerial photograph of peninsula showing sampling site locations, wetlands, and other waters, based on Pulaski County DOQQ IR

ACTION NO. 2002-17892

Arkansas Game and Fish Commission
Dredging/Discharge - Habitat Restoration
Arkansas River, NM 130.0-131.2, LB
July 2012

Sheet 4 of 4