



US Army Corps
of Engineers ®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2012-00397

Date: 21 November 2012

Comments Due: 21 December 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 manager, Mr. Bradley Myers, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: bradley.c.myers@usace.army.mil. An electronic copy of the West Fork White River Stream Mitigation Bank can be viewed on the Little Rock Districts homepage at <http://www.swl.usace.army.mil/regulatory/notices.html> or a hard copy 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

**Watershed Conservation Resource Center
380 W. Rock Street
Fayetteville, Arkansas 72701**

has submitted their West Fork White River (WFWR) Stream Mitigation Bank prospectus. The prospectus outlines the Watershed Conservation Resource Center's (WCRC) proposal for developing and operating the bank which is known as the banking instrument. After public comments are received and any issues are resolved on the prospectus, WCRC will submit a draft banking instrument to the District Engineer of the Little Rock District. The District Engineer will then distribute the draft banking instrument to the Interagency Review team (IRT), which is comprised of the Corps, and pertinent state and Federal resource agencies. The IRT will then review the banking instrument and coordinate with WCRC 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 WCRC proposes to establish a mitigation bank in the WFWR watershed located in Washington County, Arkansas to be known as the WFWR Mitigation Bank. The WFWR Mitigation Bank will offset unavoidable adverse impacts to stream and other aquatic resources authorized by Clean Water Act Section 404 permits that are issued in the proposed service areas (see sheet 7 of 7). Compensatory mitigation will be carried out on streams, wetlands, and riparian areas through restoration, enhancement, establishment, and/or preservation. The proposed mitigation bank will focus on the restoration of the river channel and the enhancement of riparian areas to generate stream mitigation credits. This mitigation bank will be developed in accordance with the Compensatory Mitigation for Losses of Aquatic Resources – Final Rule (DOD and EPA, 2008) under the guidance of the IRT. The WFWR Mitigation Bank will consist of multiple sites, ultimately operating as an umbrella mitigation banking instrument. Any

proposed additional sites will be given an appropriate review by the IRT as outlined in Vol. 73, No. 70, Section 332.8(g) of the Federal Register. The mitigation bank will be operated and managed by the WCRC. Properties associated with the bank will be held in suitable conservation easements.

The WFWR forms an 80,000-acre (124 square miles) watershed in which the southern 63% of its area lies in the Boston Mountain Ecoregion and the other 28% lies in the Ozark Highlands Ecoregion. The watershed is a major tributary to the White River which forms Beaver Lake. The WFWR and Beaver Lake watersheds are part of the Upper White River Basin, which continues north to Missouri and then travels back south through Arkansas.

The first mitigation site selected within the WFWR watershed is located in sections 23 and 24, T. 16 N., R. 30 W., on the east side of Fayetteville, Washington County, Arkansas. The site crosses Dead Horse Mountain Road and encompasses 6,600 feet of stream and associated wetlands along the WFWR. The mitigation site was selected for the following reasons: 1. Two high priority reaches with accelerated streambank erosion were identified as needing restoration. 2. Both aquatic habitat and riparian areas need to be restored at the site. 3. The restoration potential is high because the property associated with the mitigation bank lies in the floodway, which cannot be developed. The area will always be allowed to flood, creating the potential for long-term ecological restoration to occur. 4. In addition to the main channel of the WFWR, there are existing riverine wetlands and ephemeral streams that will be enhanced or preserved as part of the mitigation bank. 5. There are some existing high quality riparian areas with mature hardwood trees and understory of native shrubs, grasses, and wildflowers that will be preserved.

The first mitigation site includes a total of 102 acres of land and is 4 miles from the confluence with the White River. The river is large at this point with bankfull width of 136 feet and a watershed area of 113 square miles (ADEQ, 2004). This site is composed of 3 distinct areas and a mitigation plan will be developed for each area and implemented as three phases.

The proposed primary geographic service areas are:

- Beaver Reservoir HUC 11010001
- Bull Shoals Lake HUC 11010003

The proposed secondary service areas are:

- Buffalo HUC 11010005
- Middle White River HUC 11010004
- North Fork White HUC 11010006

Project Purpose. The basic purpose is to provide compensatory mitigation for impacts to waters of the United States. The overall project purpose is to develop and operate the WFWR Mitigation Bank which would provide for mitigation credits to entities that adversely impact wetlands and/or streams associated with Department of the Army Section 404 permits. This project is water dependent.

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

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 **21 December 2012**. 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 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, and general environmental effects. 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 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.

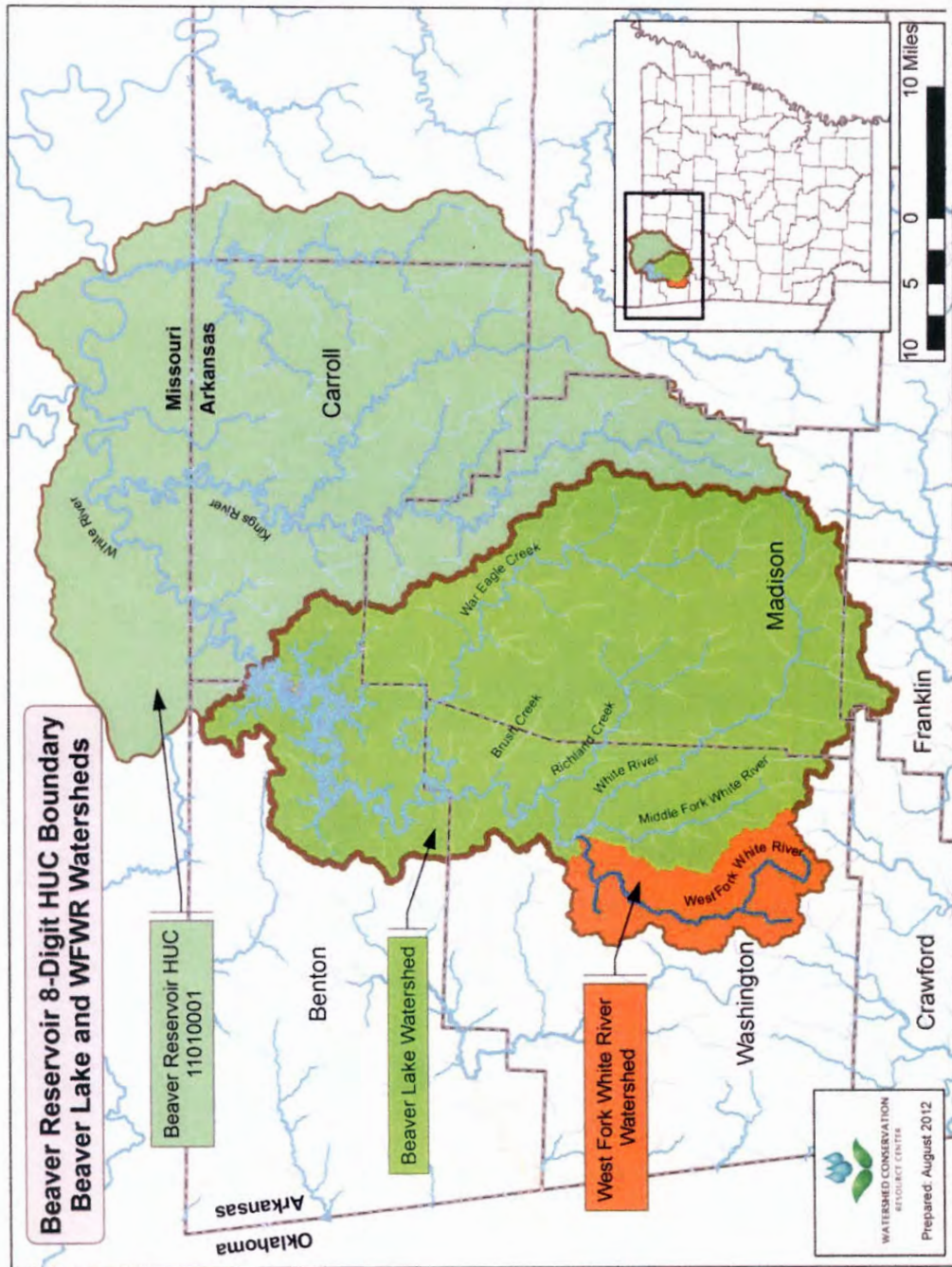
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.05073** Longitude: **-94.12271**

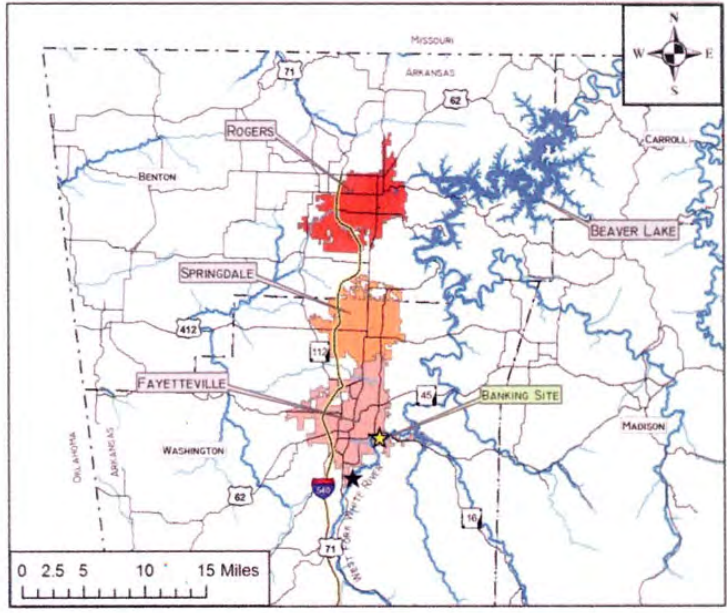
UTM Zone: **15** Northing: **3990158** Easting: **398875**



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Figure 1 Location of the proposed WFWR Mitigation Banking Site in relationship to Beaver Reservoir HUC and Sub-basins

AREA MAP

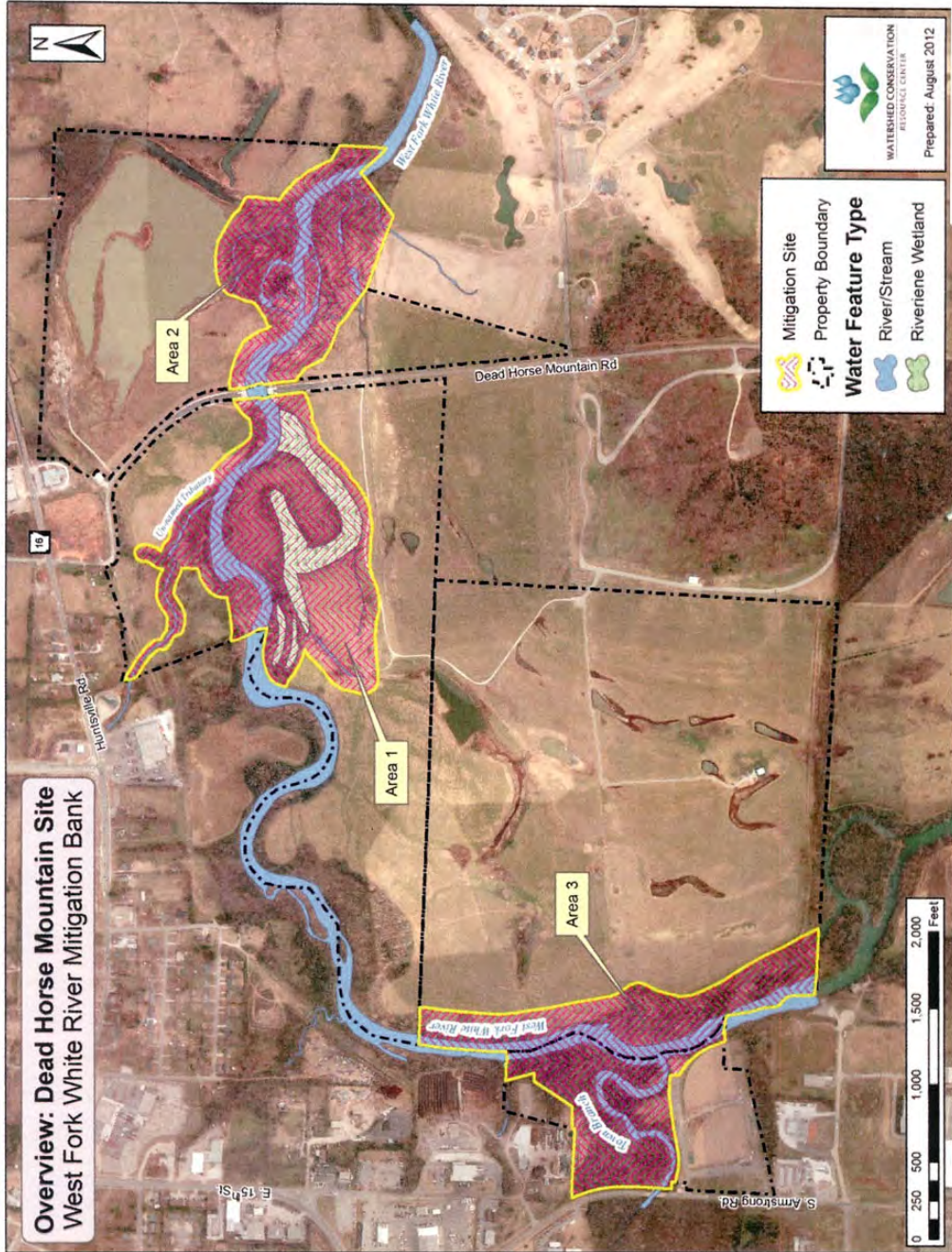


VICINITY MAP



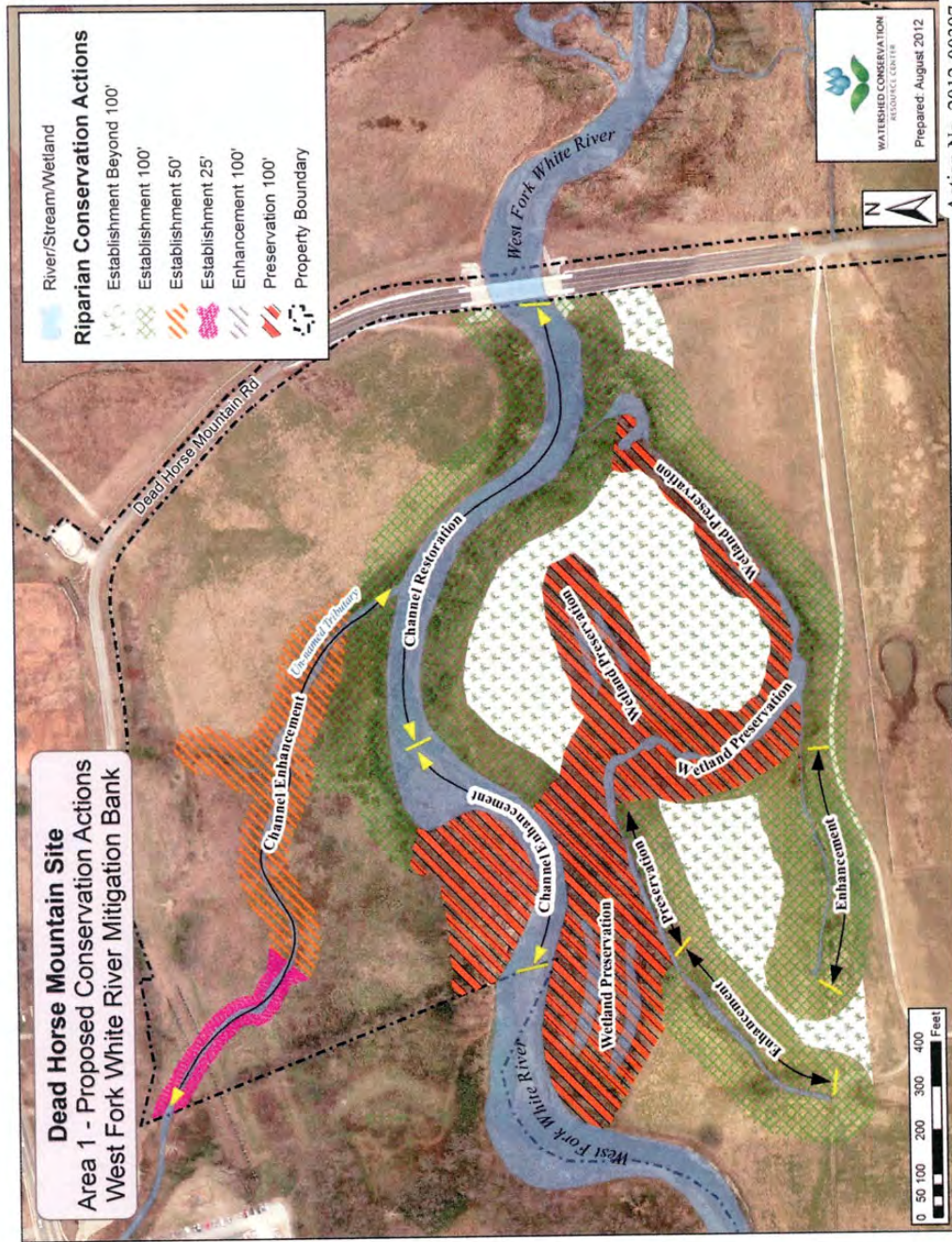
Figure 2 Location of proposed WFWR Mitigation Bank – Dead Horse Mountain site in relationship to the regional area and local vicinity

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Figure 3 Overview of the proposed WFWR mitigation bank – Dead Horse Mountain Site



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Figure 5 Proposed conservation actions to be undertaken at Area 1 of the WFWR Mitigation Bank – Dead Horse Mountain Site

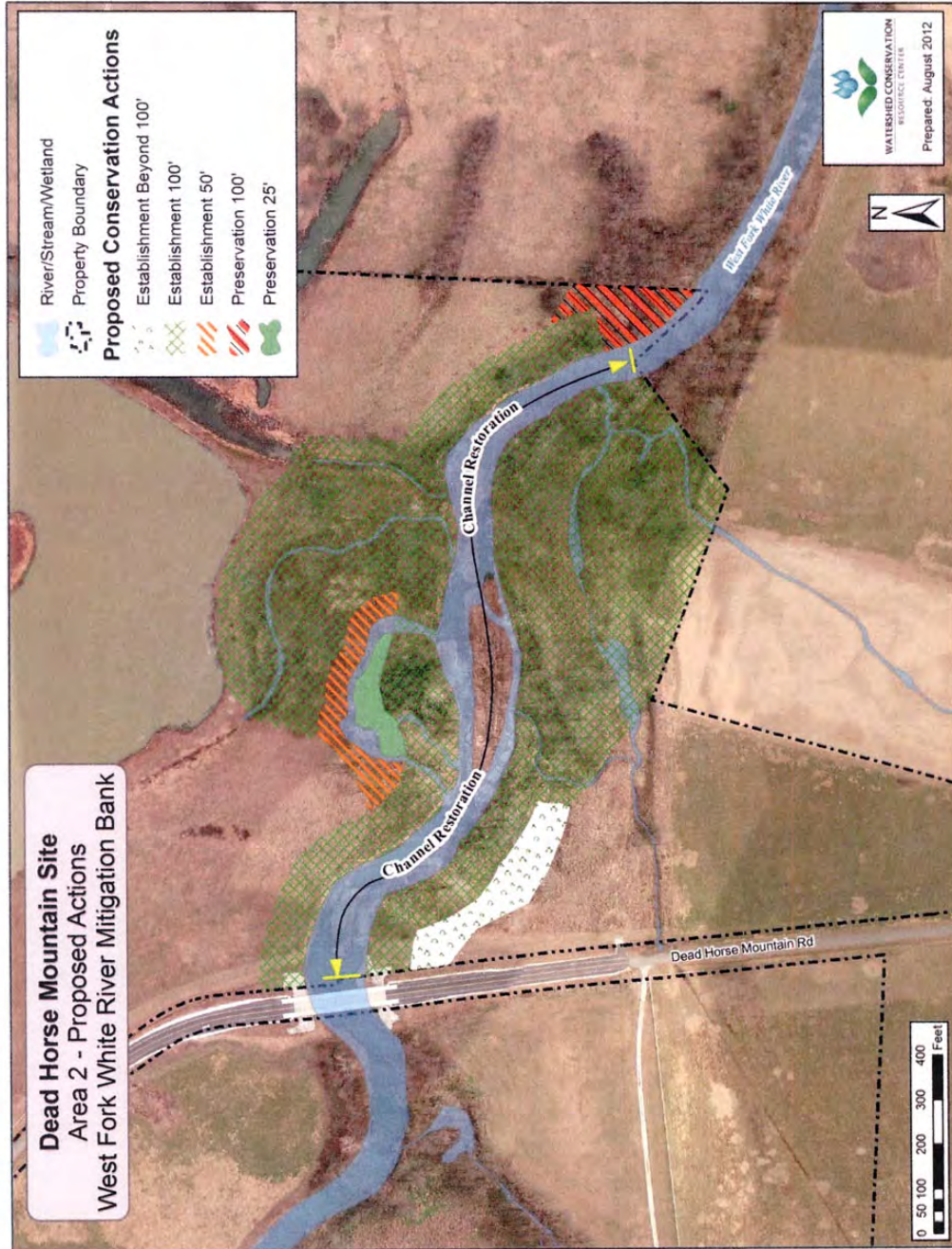


Figure 6 Proposed conservation actions to be undertaken at Area 2 of the WFWR Mitigation Bank – Dead Horse Mountain Site
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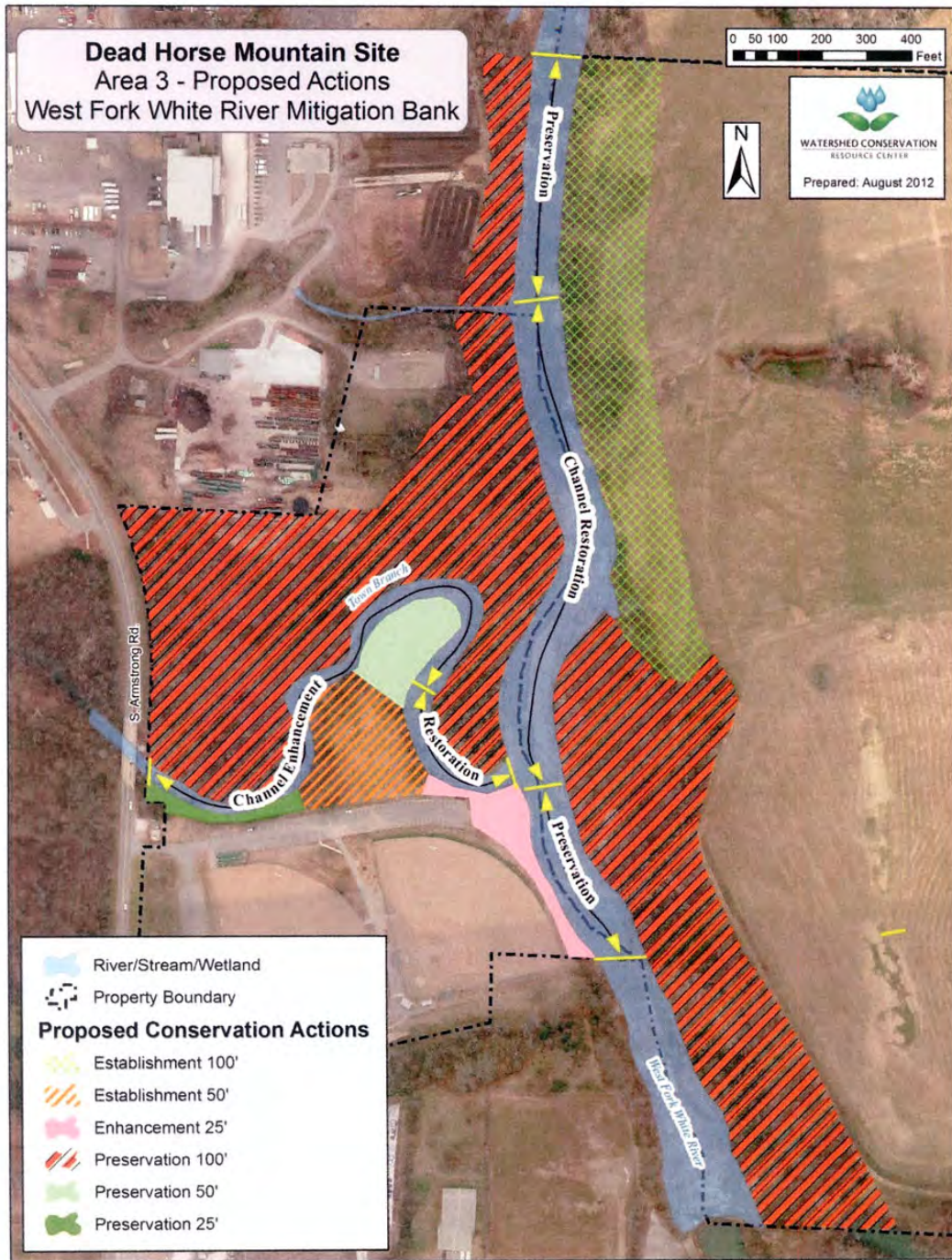
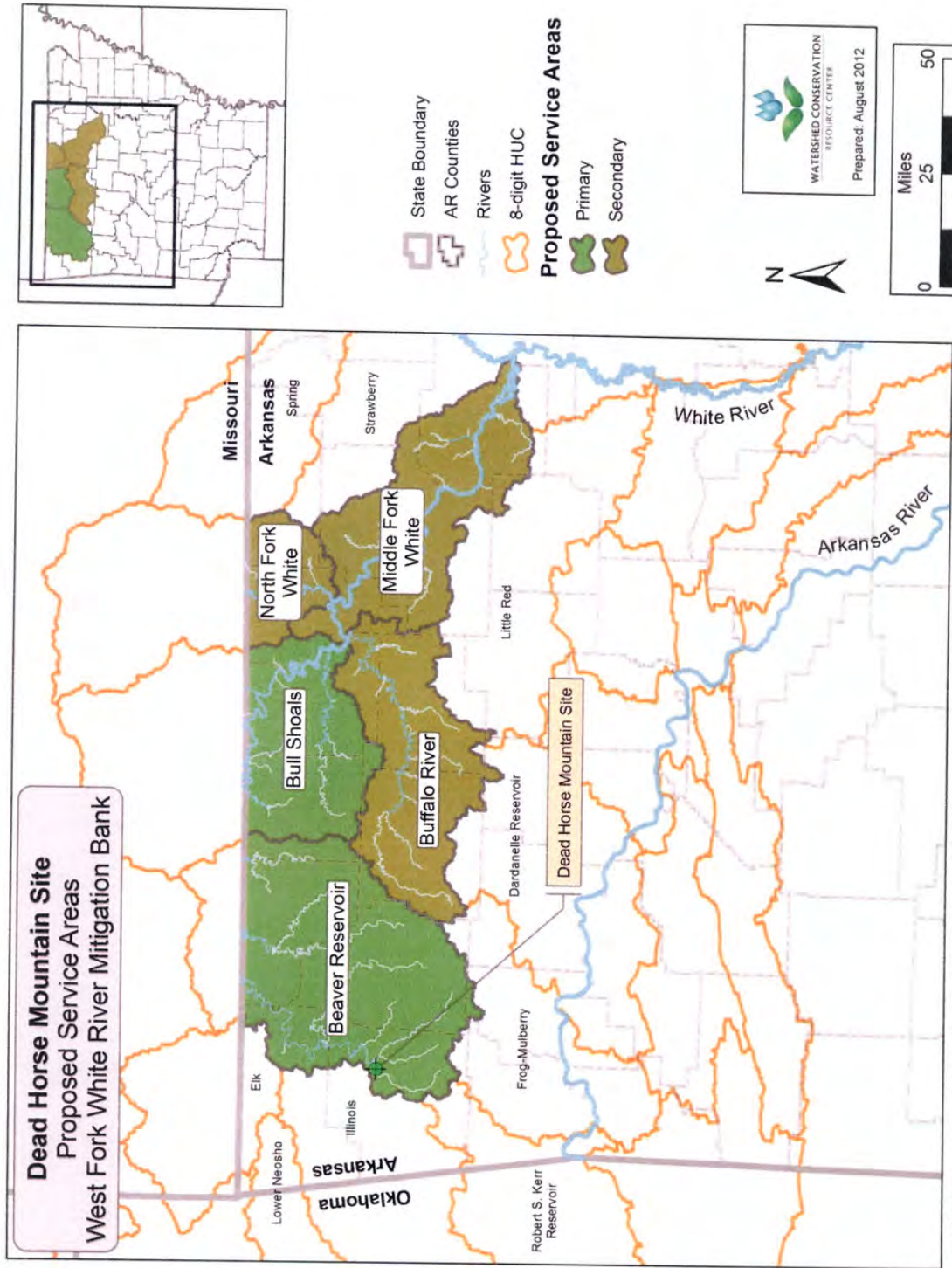


Figure 7 Proposed conservation actions to be undertaken at Area 3 of the WFWR Mitigation Bank – Dead Horse Mountain Site



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