



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2016-00251

Date: September 20, 2016

Comments Due: October 17, 2016

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 regulator, Jim Ellis, 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: Jim.D.Ellis@usace.army.mil

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

**Mr. John Parker
Fort Smith Airport Commission
6700 McKennon Boulevard, Suite 200
Fort Smith, Arkansas 72903**

has requested authorization for the placement of dredged and fill material in waters of the United States (WOUS) associated with clearing and grubbing vegetation, and filling wetlands, open waters (borrow pits), and a pond. The proposed project would impact (fill) jurisdictional wetlands, open waters (borrow pits) and a pond. Water flow enters the project area through Little Massard/Spivey Creek, a perennial stream, and flows to the northeast through the central part of the project area where it enters Massard Creek which then flows into the Arkansas River. The proposed project is located in the SW 1/4 of section 36, T. 8 N., R. 32 W., Fort Smith, Sebastian County, Arkansas.

The basic purpose of the project is to reduce wildlife habitat by filling wetlands, open waters (borrow pits), and a pond. The overall purpose of the project is to provide safe aircraft operations at the Fort Smith Regional Airport by clearing vegetation and filling jurisdictional wetlands, open waters (borrow pits), and a pond that are currently providing habitat to wildlife that can interfere with aircraft activities. The project is water dependent.

To accomplish the project, clearing and grubbing existing vegetation, grading, and filling of wetlands, open waters (borrow pits), and a pond is required. The site will be graded and 2.79 acres of wetlands and 0.81 acres of open waters (borrow pits) and a pond will be permanently filled with approximately 10,500 cubic yards of on-site soil material. The cleared and graded area will be planted in native grasses and a 50-foot vegetative buffer (25 feet measured from the top of bank on both sides of the stream) of Little Massard/Spivey Creek will be established. Typical best management practices such as silt fencing and other construction methods will be used to mitigate impacts to water quality and other resources.

The applicant has only investigated the alternative of No-Action due to the nature of the proposed project. The applicant stated that the No-Action alternative would not meet the purpose and need of the project nor comply with the Federal Aviation Administration's regulations found at 14 Code of Regulations (CFR) part 139.337.

The applicant stated that mitigation in the form of avoidance is not practicable due to the purpose and need of removing the wetlands, open waters (borrow pits), and a pond that currently pose a danger to aircraft operations. Minimization is not practicable at the project site due to the locations of WOUS.

Compensatory mitigation requirements for impacts to the wetlands, open waters (borrow pits), and a pond will be assessed utilizing the 2002 Charleston Method and the 2011 Little Rock District Stream Method. The applicant proposes to mitigate for unavoidable impacts by purchasing credits from a Corps approved mitigation bank that services the area. The applicant must submit a detailed compensatory mitigation plan before a decision is made whether to issue or deny the permit.

The location maps and drawings for the proposed work are shown on the enclosed sheets (Sheets 1 through 4 of 4).

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.

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.

Floodplain. 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 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 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 **October 17, 2016**.

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 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, floodplain 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.

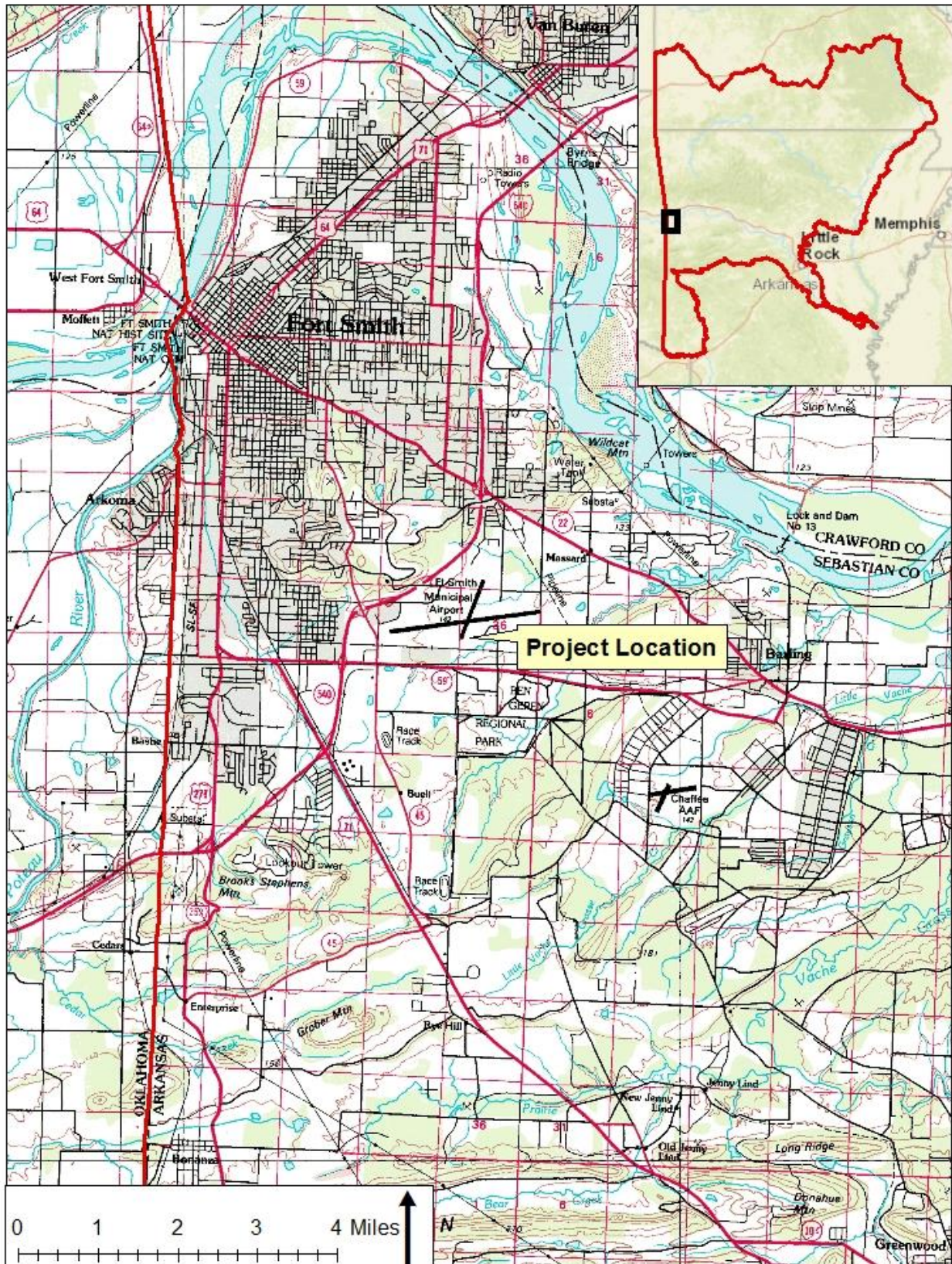
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

Approximate Coordinates of Project Center

Latitude: **35.33114** Longitude: **-94.36308**

UTM Zone: **15** North: **3910618.5** East: **376116**





ACTION NO.: 2016-00251
 Fort Smith Airport Commission
AIRCRAFT HAZARD MITIGATION PROJECT
 Wetlands and ponds associated with Little
 Massard/Spivey Creek
 Section 36, T. 8 N., R. 32 W.
 September 2016 Sheet 1 of 4



FIGURE NO. 2

TOPOGRAPHIC MAP TAKEN FROM BARLING AND SOUTH FORT SMITH
USGS QUADRANGLE MAPS DATED 2014

WETLAND DELINEATION
FORT SMITH REGIONAL AIRPORT
6700 MCKENNON BOULEVARD
FORT SMITH, ARKANSAS

 CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES 3512 South Shackleford Road Little Rock, Arkansas 72205 (501) 221-7122 fax (501) 221-7775	SUBMITTED:	A. HIGHT	SCALE:  0 1500'	JOB NUMBER: MORR-9805
	DRAWN:	J. BLACK		
	CHECKED:	A. HIGHT	FILE: MORR-9805 WETLAND DELIN.DWG	
	DATE:	NOV. 7, 2014		

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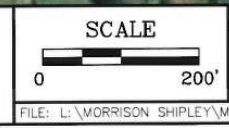
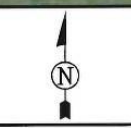


NOTE: FLOOD PLAIN DATA IS FROM FEMA FLOOD INSURANCE RATE MAP NO.: 05131C0130F DATED MARCH 2, 2012. ZONE AE IS THE AREA OF THE 100 YEAR FLOODPLAIN WHERE THE BASE FLOOD ELEVATION (BFE) HAS BEEN DETERMINED.

LEGEND	
	PROJECT BOUNDARY
	FLOOD ZONE BASE FLOOD ELEVATION LINE
	100 YEAR FLOODPLAIN BOUNDARY
	CREEK FLOODWAY BOUNDARY
	100 YEAR FLOODPLAIN
	CREEK FLOODWAY

CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES
 3512 South Shackelford Rd
 Little Rock, Arkansas 72205
 (501) 221-7122 fax (501) 221-7775

SUBMITTED:	A. HIGHT
DRAWN:	J. BLACK
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DATE:	NOV. 7, 2014



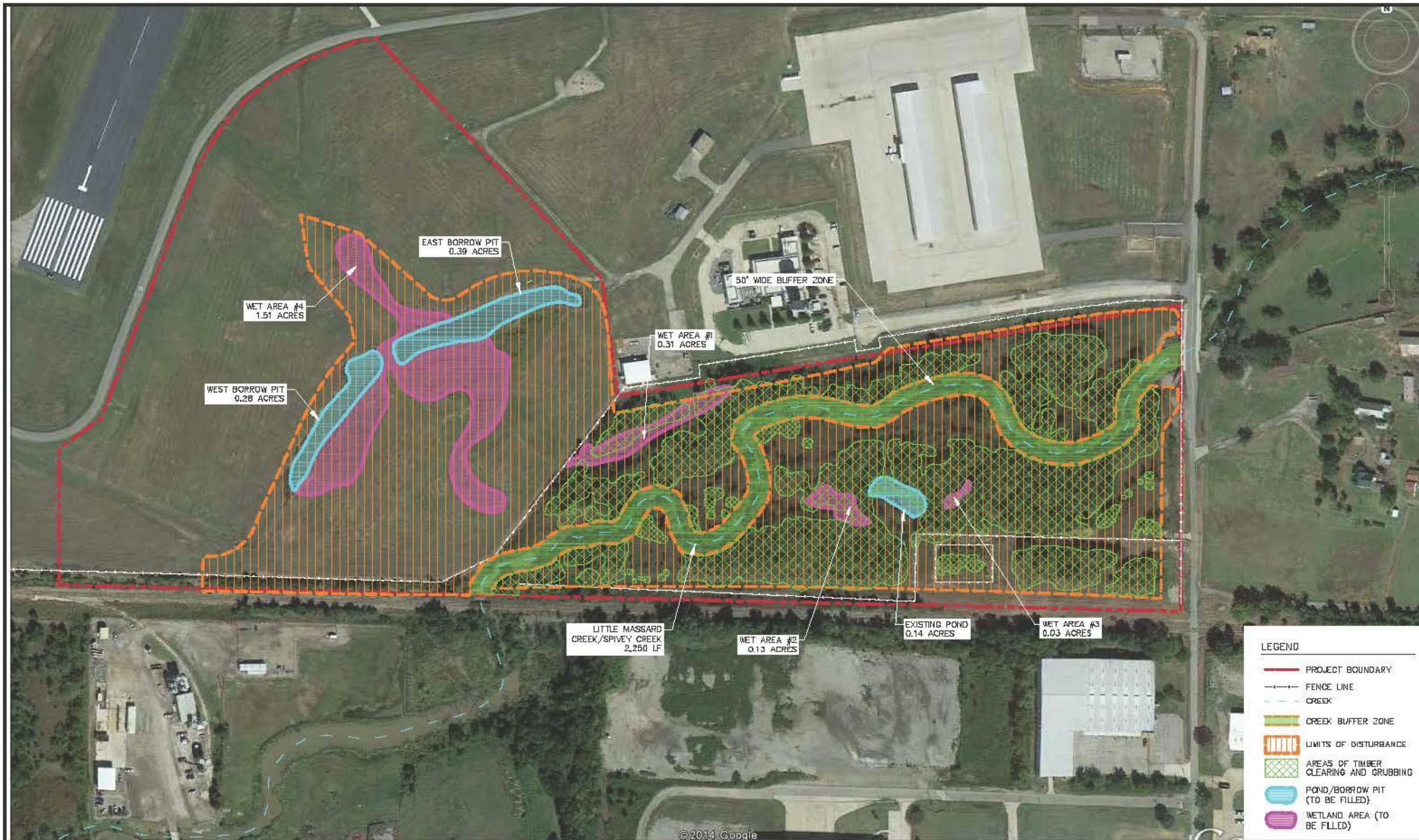
WETLAND DELINEATION
 FORT SMITH REGIONAL AIRPORT
 6700 McKENNON BOULEVARD
 FORT SMITH, ARKANSAS

AERIAL SITE PLAN WITH
 FEMA FLOODPLAIN MAP

JOB NUMBER	MORR-9805
FIGURE NO.:	5

FILE: L:\MORRISON SHIPLEY\MORR-9805\WETLAND DELINEATION\DRAWINGS\MORR-9805 WETLAND DELIN.DWG

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 AIRCRAFT HAZARD MITIGATION
 PROJECT Wetlands and ponds associated with
 Little Massard/Spivey Creek
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 September 2016 Sheet 3 of 4



CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES
 3512 South Shackelford Rd
 Little Rock, Arkansas 72206
 (501) 221-7122 fax (501) 221-7776

SUBMITTED: A. HIGHT
 DRAWN: J. BLACK
 CHECKED: A. HIGHT
 DATE: SEPT. 15, 2015



SCALE
 0 200'

WETLAND DELINEATION
 FORT SMITH REGIONAL AIRPORT
 6700 MCKENNON BOULEVARD
 FORT SMITH, ARKANSAS

AERIAL SITE PLAN WITH CREEK BUFFER ZONE
 LIMITS OF DISTURBANCE, AREAS TO BE CLEAR
 AND AREAS TO BE CLEAR

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