



US Army Corps  
of Engineers®  
Little Rock District

# PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL 2017-00048

Date: April 14, 2017

Comments Due: May 15, 2017

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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, Johnny McLean, telephone number: (501) 340-1382, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [Johnny.L.McLean@usace.army.mil](mailto:Johnny.L.McLean@usace.army.mil). An electronic copy of the Wiseman Tract Mitigation Bank prospectus can be viewed on the Little Rock District, Regulatory Division webpage at <http://www.swl.usace.army.mil/Missions/Regulatory/PublicNotices.aspx> 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

**Arkansas Highway and Transportation Department  
PO Box 2261  
Little Rock, Arkansas 72203-2261**

has submitted their Wiseman Tract Mitigation Bank prospectus. The prospectus outlines the 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, Arkansas Highway and Transportation Department 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 made up of the Corps and the pertinent state and Federal resource agencies. The IRT will review the banking instrument and coordinate with Arkansas Highway and Transportation Department 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 primary purpose of this bank is to mitigate for unavoidable impacts to streams and wetlands from highway construction and maintenance activities authorized under Section 404 of the Clean Water Act. The project goal is to develop a mitigation bank which will generate stream and wetland credits through restoration, enhancement and preservation of streams, wetlands, glades and the associated uplands.

The project site consists of approximately 160.1 acres located west of the City of Horseshoe Bend in section 23, Township 18 North, Range 8 West, Izard County, Arkansas. Historical imagery shows that the majority of the property was likely cleared for cattle production in the early 1970's. The site was primarily used for pastureland until the AHTD purchased it in 2015. The pastureland is dominated by fescue (*Festuca rubra*) and broomsedge (*Andropogon*

*virginicus*). Some areas on the site have been left unmanaged and have begun to naturally reestablish an oak-hickory forest. The glade areas on the site have revegetated with scrub-shrub species, primarily eastern red cedar (*Juniperus virginiana*). These glades are areas where dolomite bedrock occurs near the surface and very few plant species are able to survive. The property includes four intermittent streams and six ephemeral streams. The largest intermittent stream confluences with the Strawberry River approximately one mile east of the bank site. The Strawberry River is designated by the state as an Extraordinary Resource Water, Ecologically Sensitive Waterway and Natural and Scenic Waterway. Several state and Federally protected species are found in the Strawberry River drainage and include the Strawberry River darter (*Etheostoma fragi*), pink mucket mussel (*Lampsilis abrupta*), snuffbox mussel (*Epioblasma triquetra*), Curtis's pearly mussel (*Epioblasma florentina*), slippershell mussel (*Alasmodonta viridis*), scaleshell mussel (*Leptodea leptodon*) and rabbitsfoot mussel (*Quadrula cylindrical*). Strawberry River darters have been observed in the streams on the property in relatively high abundance likely making it an important fish spawning site. Arkansas Natural Heritage Commission tracked plants on the site include celestial lily (*Nemastylis geminiflora*), showy beardtongue (*Penstemon cobaea*), Bush's skullcap (*Scutellaria bushii*) and large Indian-breadroot (*Pediomelum exculentum*).

Approximately 9,950 linear feet of streams have been identified on the property. Approximately 7,358 linear feet of streams are intermittent and approximately 2,592 linear feet are ephemeral. Preliminary surveys by the AHTD estimated that approximately 4,592 linear feet of streams have been substantially degraded and can be restored and approximately 5,358 linear feet of streams are in good to excellent condition and are suitable for preservation. Restoration would include levee removal for floodplain connection, channel creation to restore hydrology, and habitat enhancement using rock and wood in-stream structures and natural channel design with sinuosity and grade control.

There are several springs located throughout the property creating a mosaic of small pocketed wetlands. Historic activities on the site have modified and degraded these wet areas. The AHTD proposes to take measures to restore these areas to their original state and maximize functionality. This would include removing any modifications and reestablishing native vegetation. The total wetland acreage enhanced or restored would be approximately two acres.

A landscape approach would be utilized to create a diverse patchwork of hardwood forest, open savannah prairie and glade habitat within riparian zones of streams most suitable for this ecoregion. Restoration would include planting bare root seedlings and promoting native forbs and grasses in the savannah and glade habitats. A total of approximately thirty-seven acres of riparian zone would be restored with 100-foot-wide buffers. Approximately fifteen acres would be non-forested glades and approximately twenty-two acres would be forested.

The restoration of glades and enhancement of upland habitat would also include prescribed burns and cedar removal to help promote native plant communities. Approximately one hundred and twenty-three acres of upland areas outside the 100-foot-wide riparian buffers would provide additional protection to the mitigation site. This additional acreage would not be included in riparian buffer credit calculations. Stream credits and riparian buffer credits will be calculated

using the 2011 Little Rock District Stream Method. Wetland credits will be calculated using the 2002 Charleston Method.

The AHTD proposes for the bank to utilize all or parts of five hydrologic unit codes (HUC's) for the service area. The primary service area would consist of the entire Strawberry River (11010102) HUC and a portion of the Spring River (11010010) HUC, and the secondary service area would consist of the entire Middle Fork of the White River (11010004) HUC and portions of the North Fork White River (11010006) HUC and Eleven Point River (11010011) HUC.

The AHTD owns the property and would manage the bank for its operational life. A warranty deed restriction would be placed on the property. When all of the credits have been utilized and the site is self-sustaining, the AHTD would have the option of deeding the property to an appropriate state or Federal agency or non-profit organization, or entering into a management agreement with one of these entities. The location, general plan for the site and photographs of the site are shown on the enclosed sheets 1 through 8.

Cultural Resources. The AHTD staff archeologists will review topographic maps, the National Register of Historic Places and other data on reported sites in the area, and coordinate with the State Historic Preservation Officer. The Federal Highway Administration will be responsible for any coordination with the Native American Nations. 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 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Regulatory Authority. Implementation of the proposed mitigation bank would require Department of the Army Authorization under Section 404 of the Clean Water Act. Based on preliminary evaluation by the USACE, it appears the proposed bank may be authorized by Nationwide Permit 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

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 **May 15, 2017**. 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.

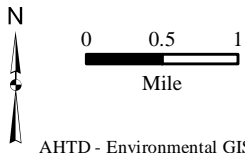
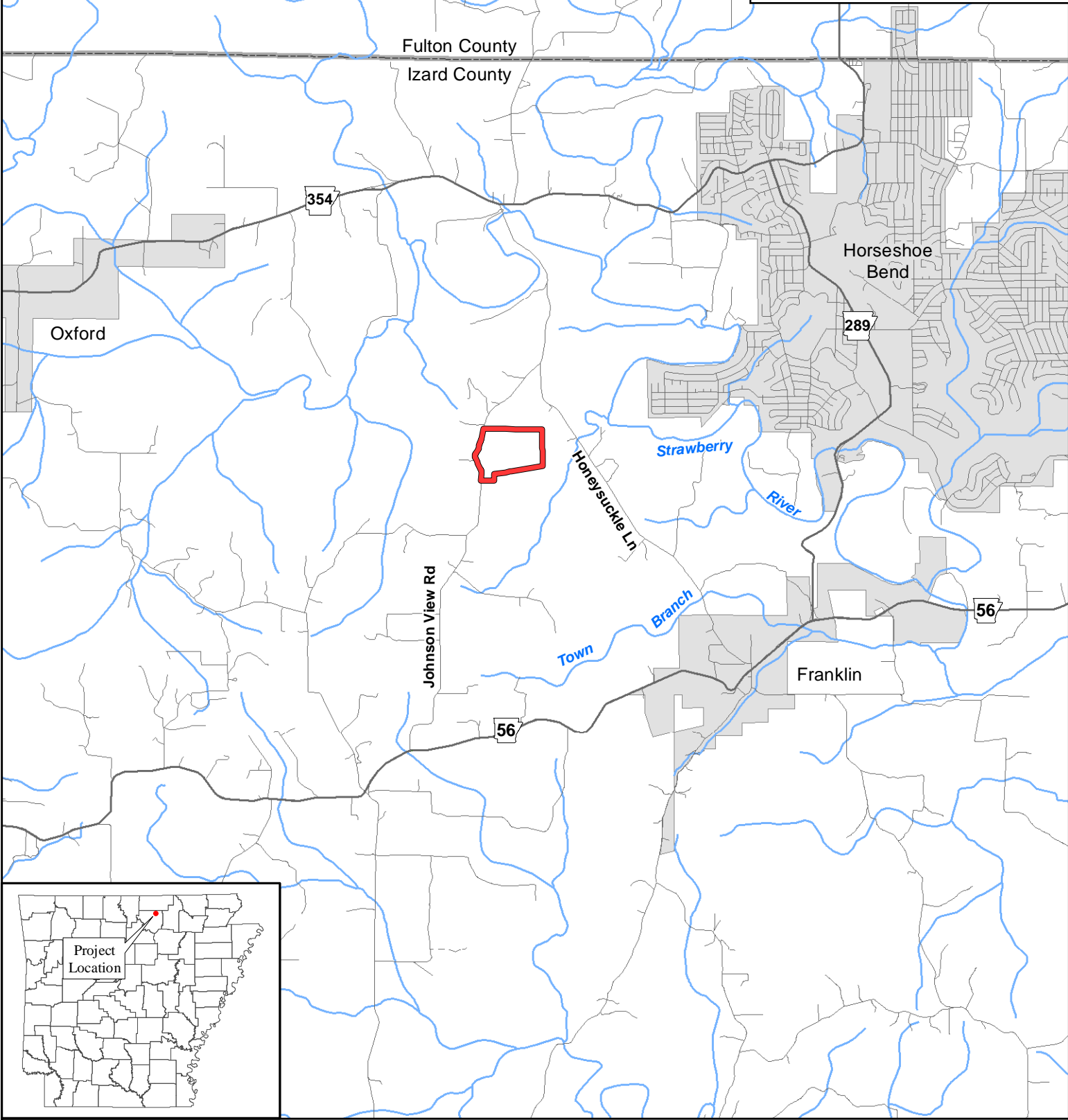
**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

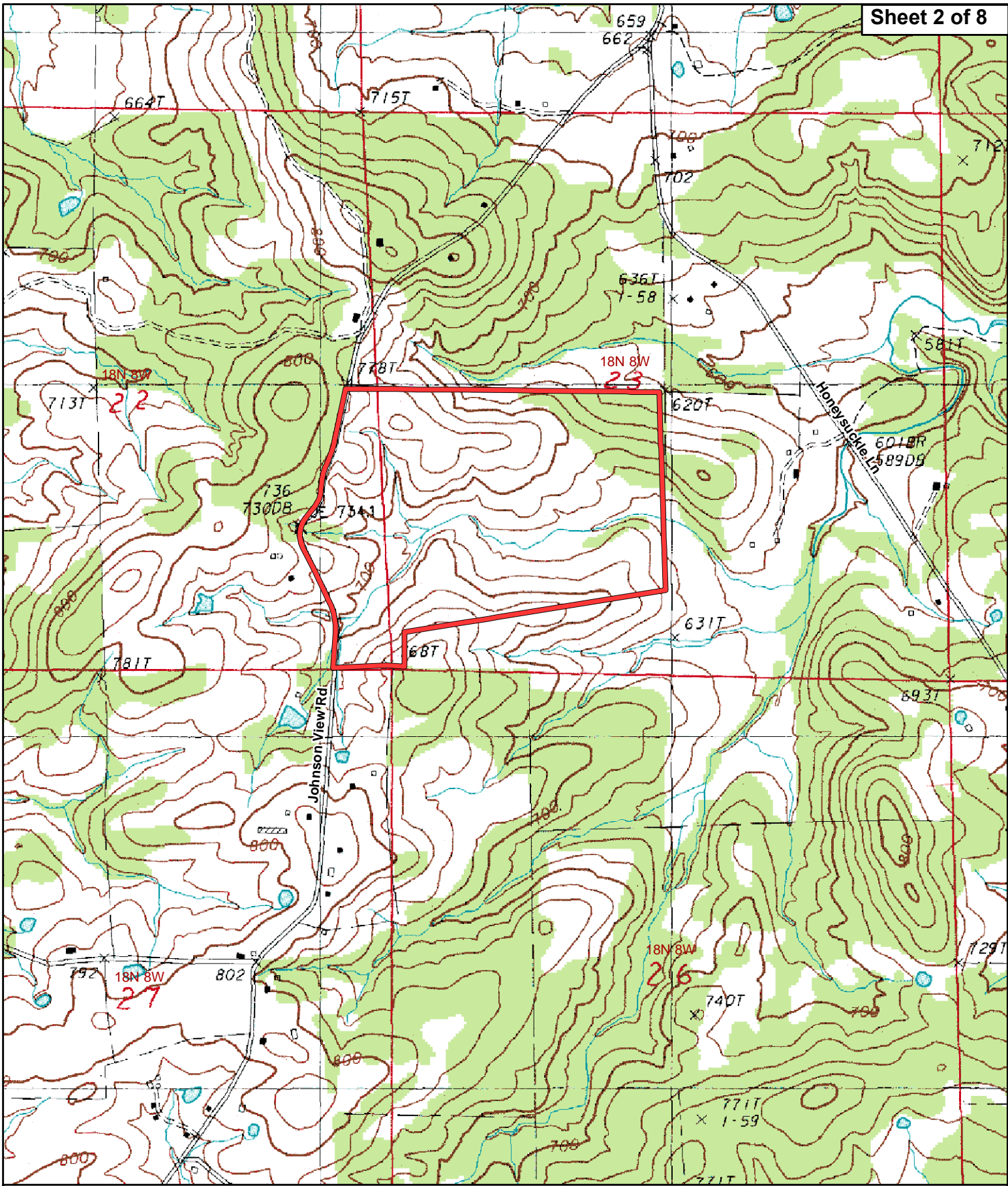
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UTM Zone: **15N**    North: **4006761**                      East: **606214**



**Figure 1**  
**Proposed Wiseman Property**  
**Mitigation Bank**

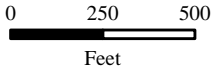
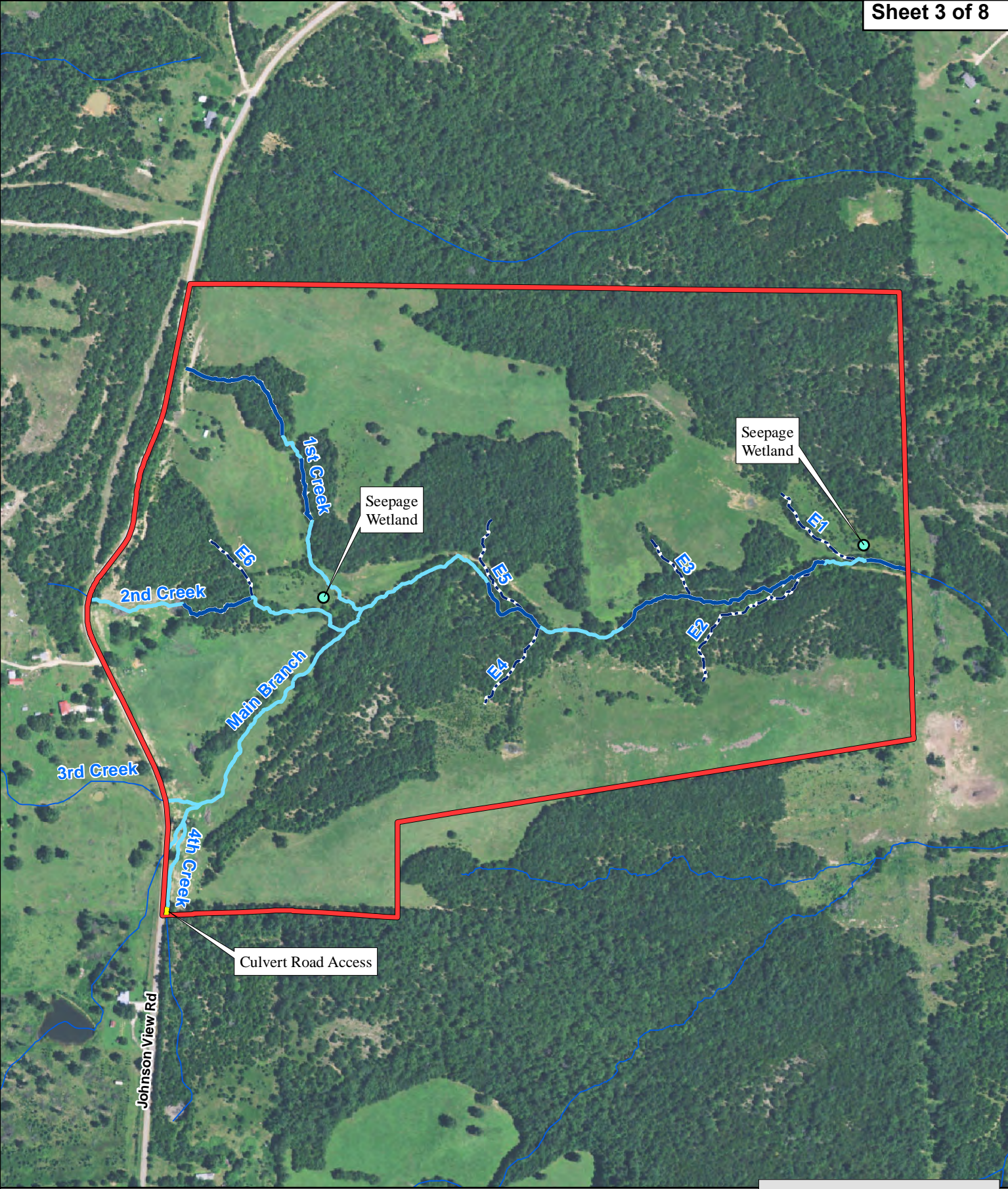




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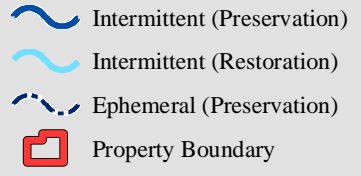
Figure 2  
Topographic Map

 Property Boundary

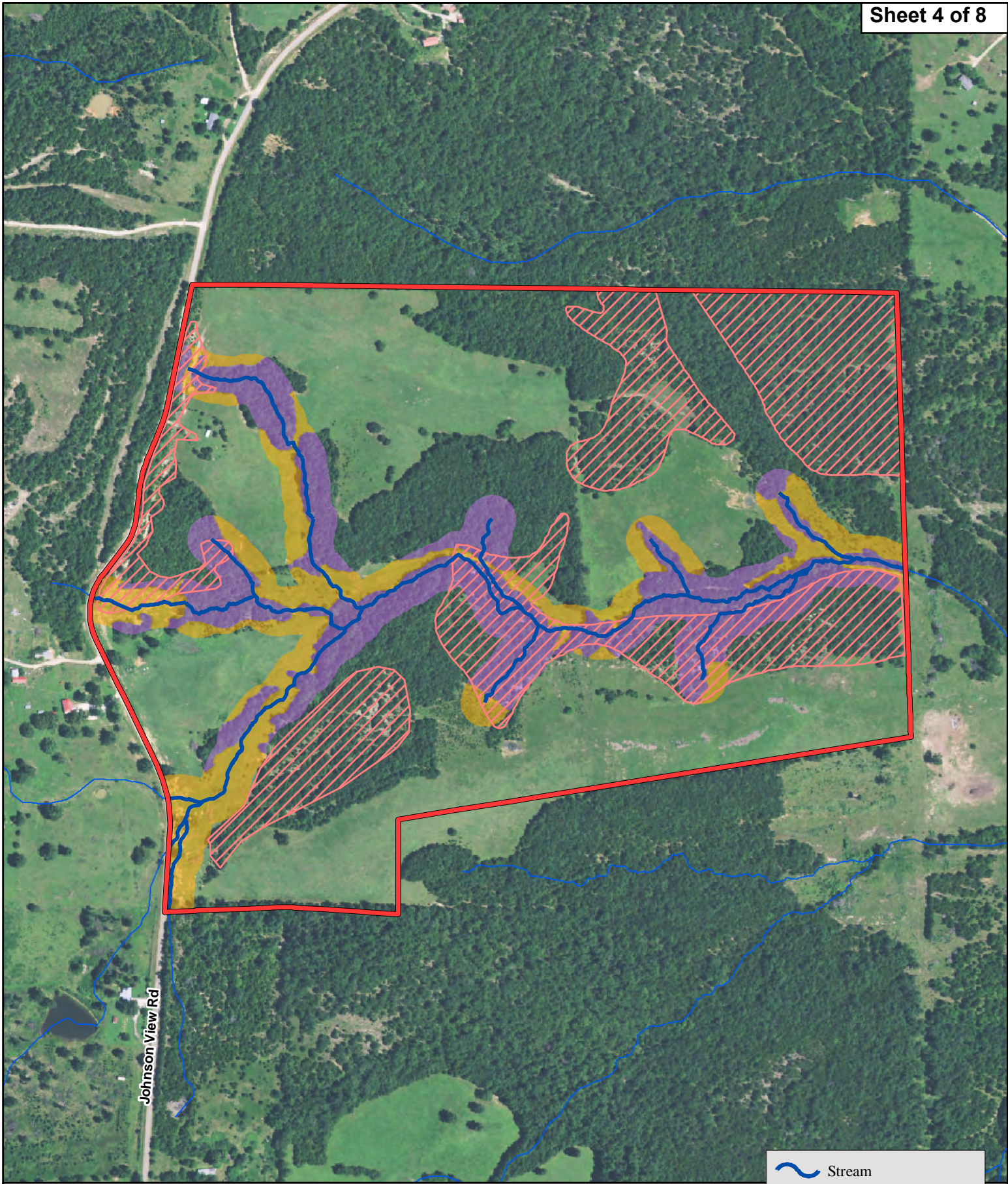


AHTD - Environmental GIS - Reed  
 May 25, 2016

Figure 3  
 Restoration Plan  
 Streams and Wetlands



Photography: NAIP Summer 2015



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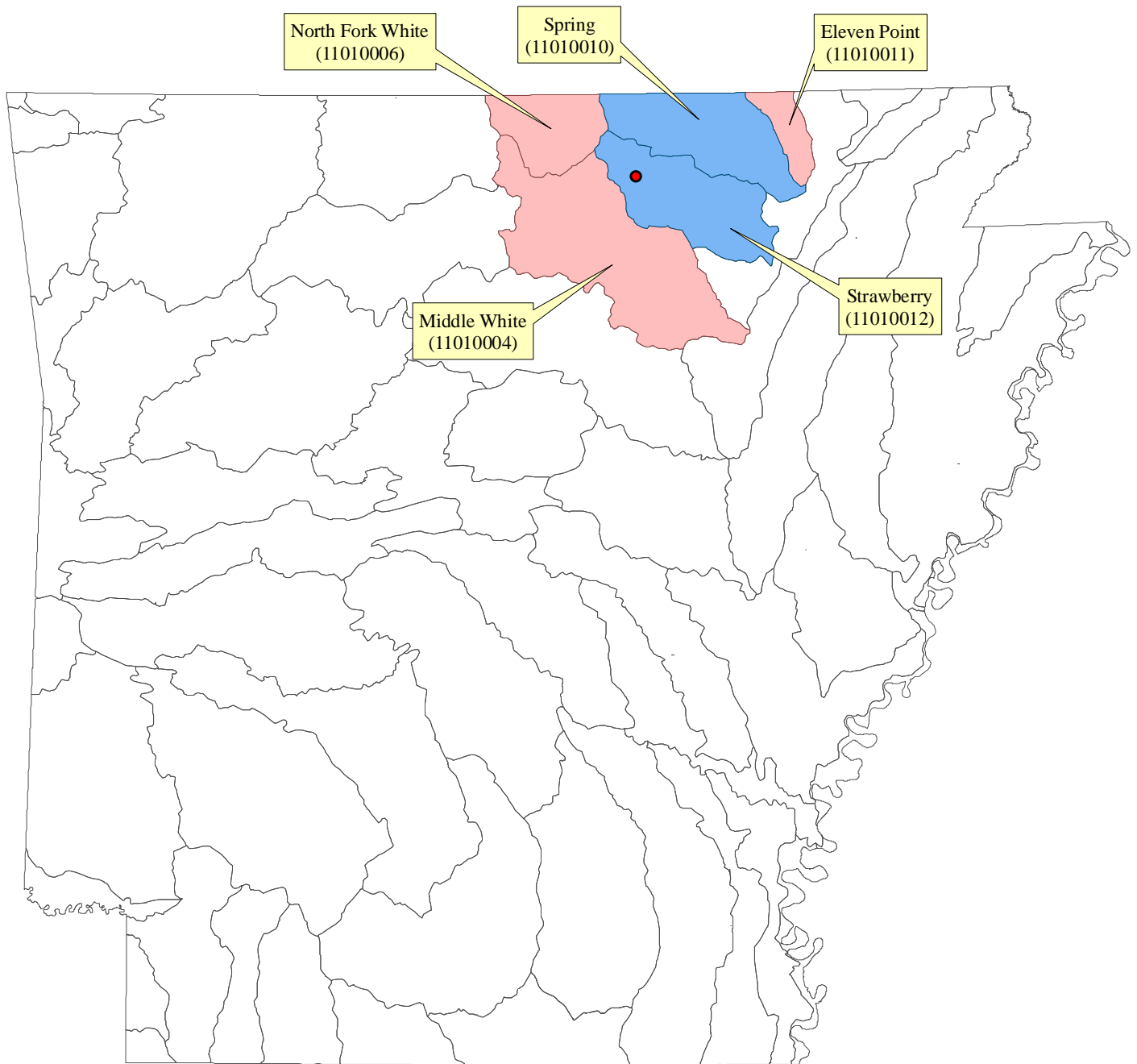
AHTD - Environmental GIS - Reed  
May 25, 2016

Figure 4  
Restoration Plan  
Buffers and Glades

	Stream
	Glades
	Riparian Establishment
	Riparian Preservation
	Property Boundary

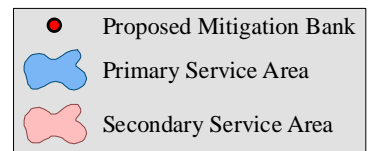
Photography: NAIP Summer 2015

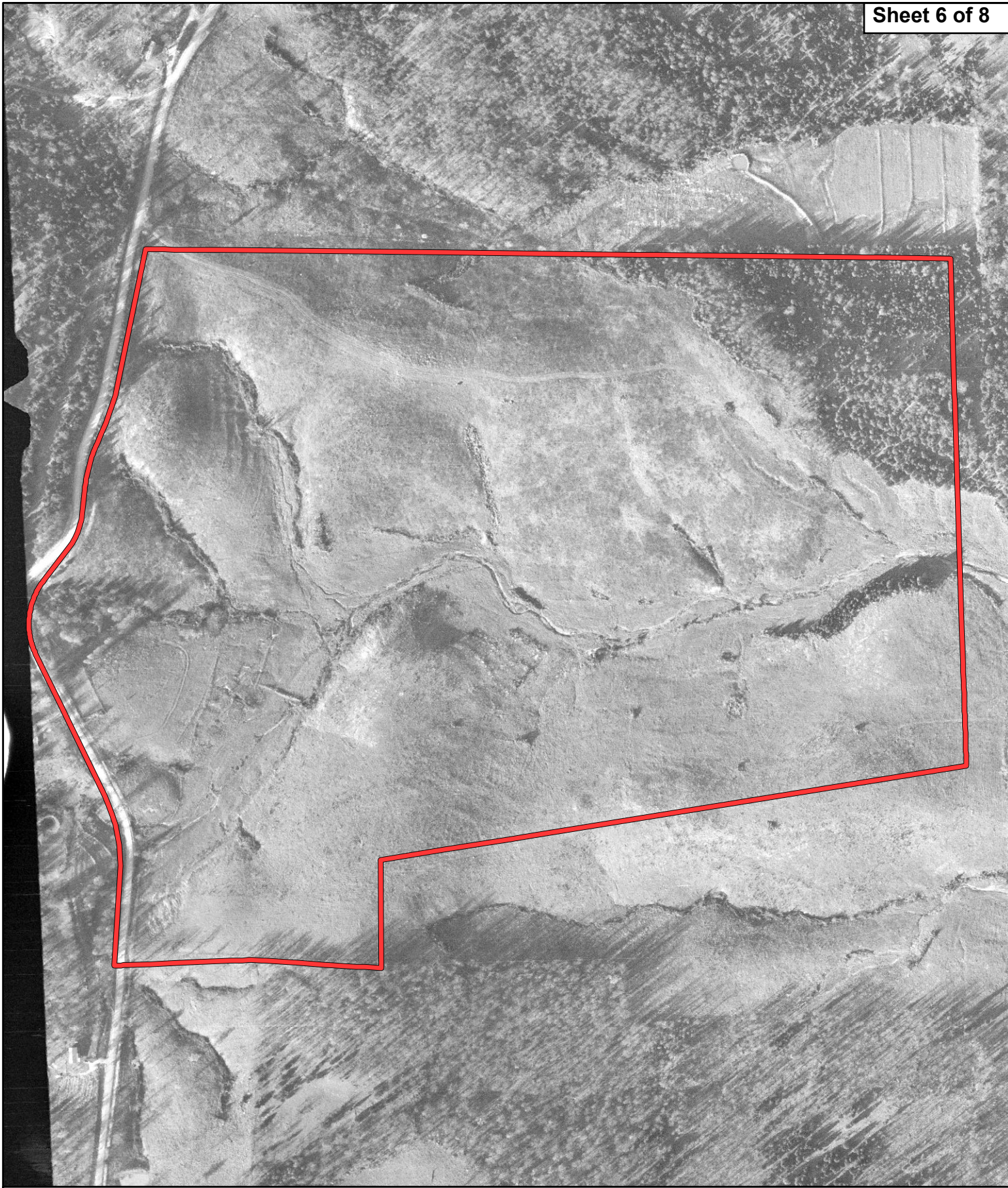




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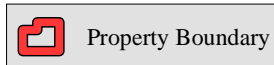
Figure 5  
Proposed Service Area Watersheds





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Figure 6  
Historic Imagery





**Figure 10** Degraded intermittent streams lacking riparian vegetation (March 2016)



**Figure 11** Aggraded intermittent stream flowing through a pasture (March 2016)



**Figure 16** Cedar encroached glades  
(March 2016)



**Figure 17** Strawberry River Darters  
(March 2016)