



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2017-00238

Date: March 31, 2020

Comments Due: April 30, 2020

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. An electronic copy of the Fourche Creek 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 Department of Transportation
PO Box 2261
Little Rock, Arkansas 72203-2261**

has submitted their Fourche Creek 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 Department of Transportation 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 Department of Transportation (ArDOT) 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. Management goals for the proposed mitigation bank include: preservation, restoration, and enhancement of riparian stream buffers, wetlands and their associated upland areas. Mitigation efforts will improve connectivity between Fourche Creek and its historic floodplain as well as the enhancement of 100-foot-wide riparian buffers and adjacent wetlands through the planting of bottomland hardwoods.

The mitigation bank will be located off Otter Creek Road approximately 0.6 miles West of Interstate 30. The property is a 28-acre site located in the Northeast quarter of Section

8, Township 1 South, and Range 13 West (see Figures 1 and 2). Historically the site was maintained and primarily utilized as pastureland for grazing cattle. After purchasing the property, ArDOT stopped all grazing and maintenance activities in preparation for restoration and bank development activities.

There are two streams located on the property, Fourche Creek and an unnamed tributary to Otter Creek. Fourche Creek begins in Saline County approximately ten miles northwest of the proposed bank site and generally flows southeasterly to the site. Fourche Creek is perennial at the bank site and consists of approximately 920 linear feet of channel this is bordered by a thin strip of riparian forest, open wetlands and a manmade levee on its east side. Fourche Creek at this location appears to have been channeled/widened at some point in the past and the levee was likely constructed to reduce flooding on the property. The unnamed tributary is intermittent and consists of approximately 960 feet of channel that meanders across the southeast corner of the property and flows eastward for approximately 1,500 feet before entering Otter Creek (see Figure 3). The unnamed tributary is primarily bordered by open pasture with some scrub-shrub wetlands. Soils on the site are characteristic of bottomland habitats with Amy and Rector silt loam soils and a grade typically of less than one degree. There are approximately 5 acres of existing wetlands on the property. The property is adjacent to two other ArDOT owned mitigation properties, the Otter Creek Mitigation Site, and the Crooked Creek Mitigation Site. This bank site will establish permanent habitat connectivity between the ArDOT owned sites. Additionally, the Arkansas Game and Fish Foundation owns the 131.5-acre tract of property immediately to the north of this site and Otter Creek Road (see Figure 5). This site will establish a 28-acre natural area in a watershed that is under continued development and will also provide vital connectivity to other adjoining natural areas that currently function as a biological corridor within the metropolitan area. The Fourche Creek watershed drains and filters runoff from approximately 73% of the Little Rock metropolitan area. Audubon Arkansas states that it is arguably the most important watershed in the state due to the functions and services it provides for Little Rock.

Stream restoration will reconnect a historical but currently non-functional intermittent stream to Otter Creek whose connection was severed by the construction of a manmade ditch along the southeast property boundary. Hydrology will be restored to the Fourche Creek floodplain by notching the existing levee in four locations. Access to the floodplain will improve flood water storage during flood events and potentially aid in improving stream function to the heavily degraded Fourche Creek. The reconnection will also restore connectivity of two impaired wetlands with floodwaters from the creek that were severed by the levee as well. Complete restoration of the riparian buffers and wetlands will consist of reforestation through the planting of bare root seedlings. The remaining uplands outside of the buffer areas will also be planted in bare root bottomland hardwood seedlings to reduce habitat fragmentation, which will increase habitat types and maximize the lands value to wildlife.

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. Upland areas located outside the buffer areas will not be included in the credit calculations.

The proposed bank is located in the Little Fourche Creek-Fourche Creek 10-digit (1111020704) hydrologic unit code (HUC). ArDOT proposes for the bank to utilize three HUC's for the service area. The primary service area would consist of the Lower Arkansas Maumelle HUC (11110207), and the secondary service area would consist of the Lake Conway Point Remove HUC (11110203) and Cadron Creek HUC (11110205). See Figure 4.

The IRT has visited the site and determined that it is likely an acceptable site for stream and wetland mitigation. ArDOT 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, ArDOT 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 and photographs of the site are shown on the pages 5 through 10 of this notice.

Cultural Resources. ArDOT 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 **April 30, 2020**. 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: **34.653693** Longitude: **-92.421957**

UTM Zone: **15N** Northing: **3834791** Easting: **552969**

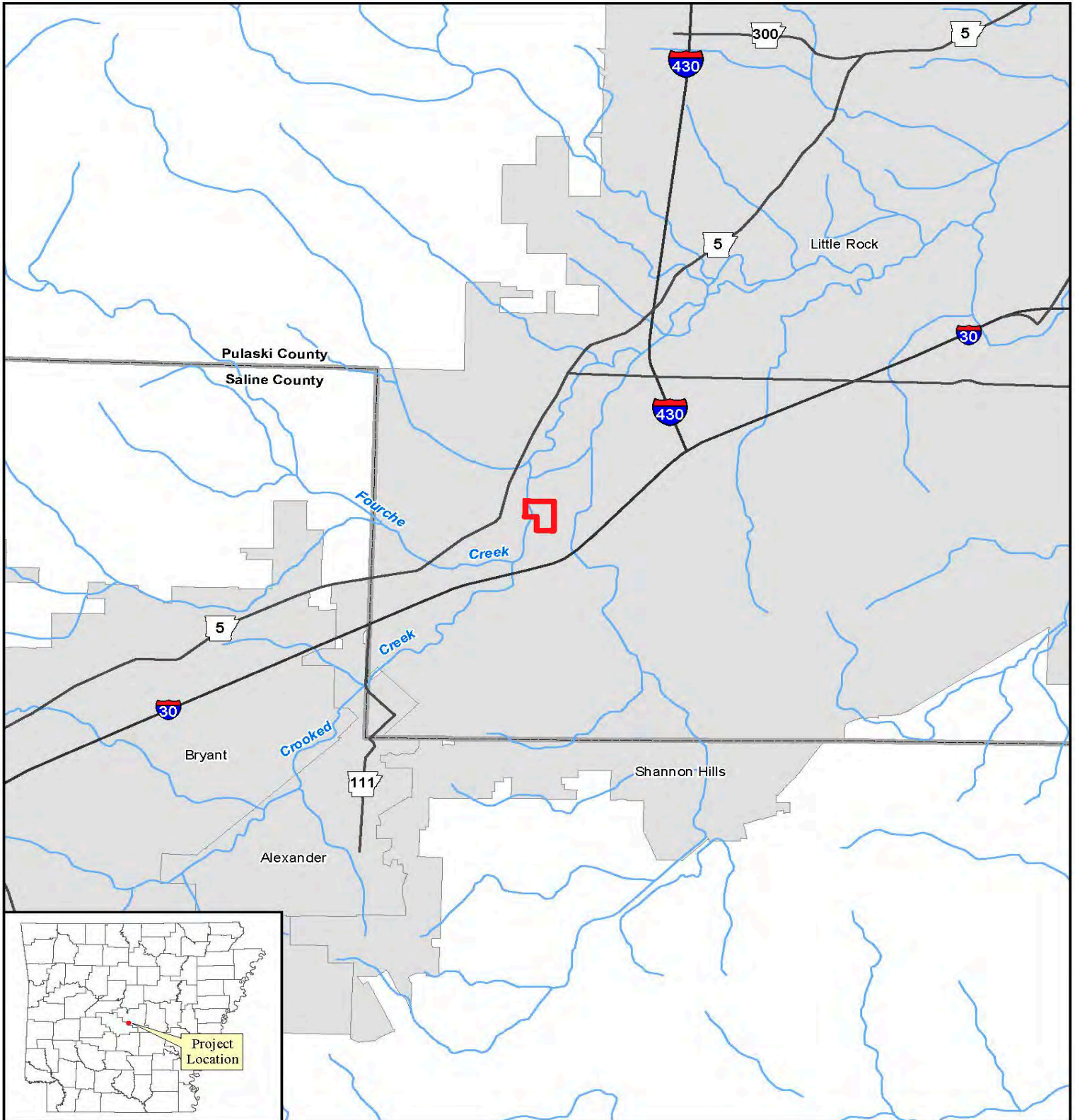
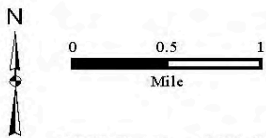


Figure 1
 Proposed Fourche Creek
 Mitigation Bank



ARDOT - Environmental GIS - Reed
 October 22, 2018

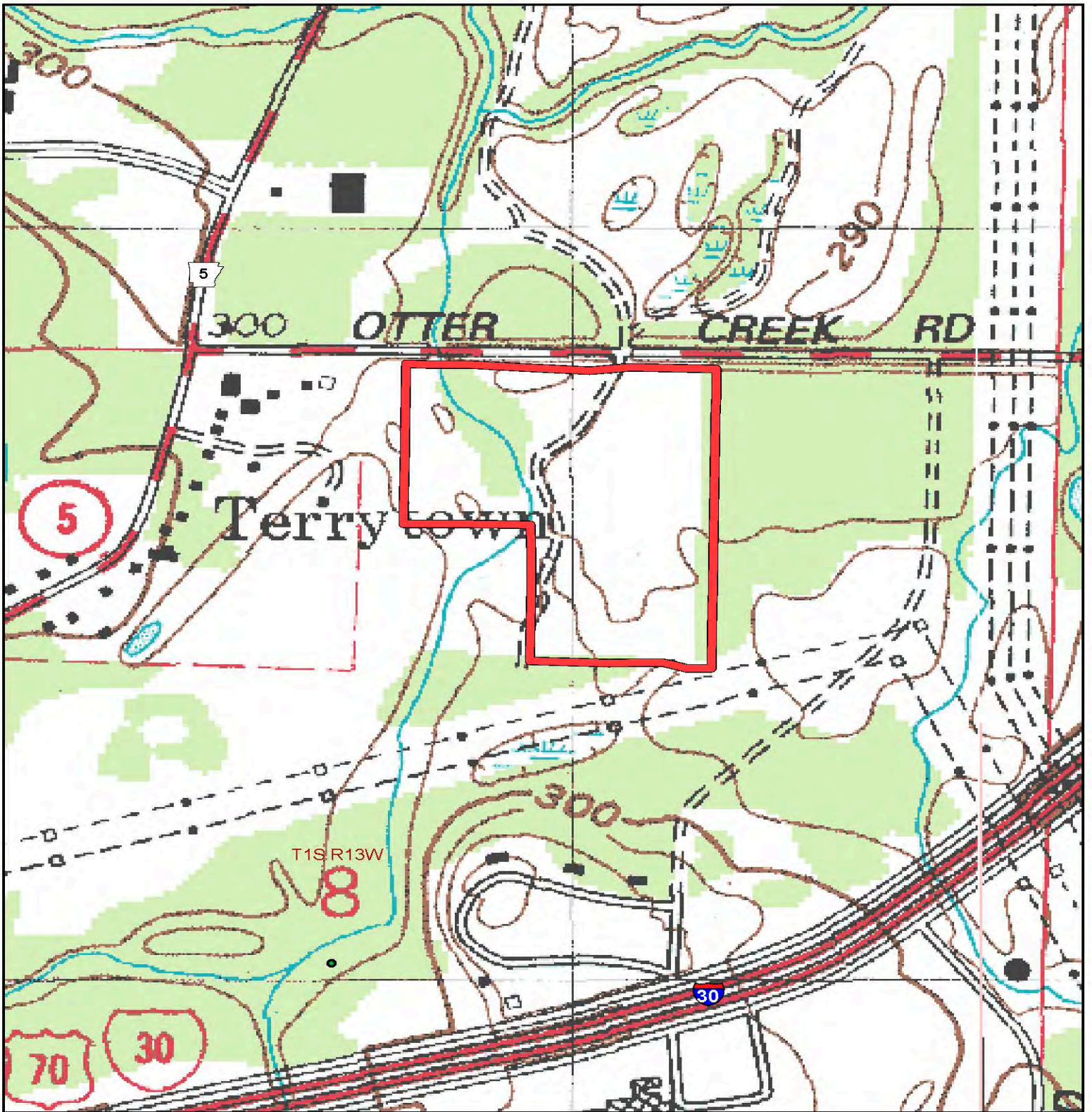
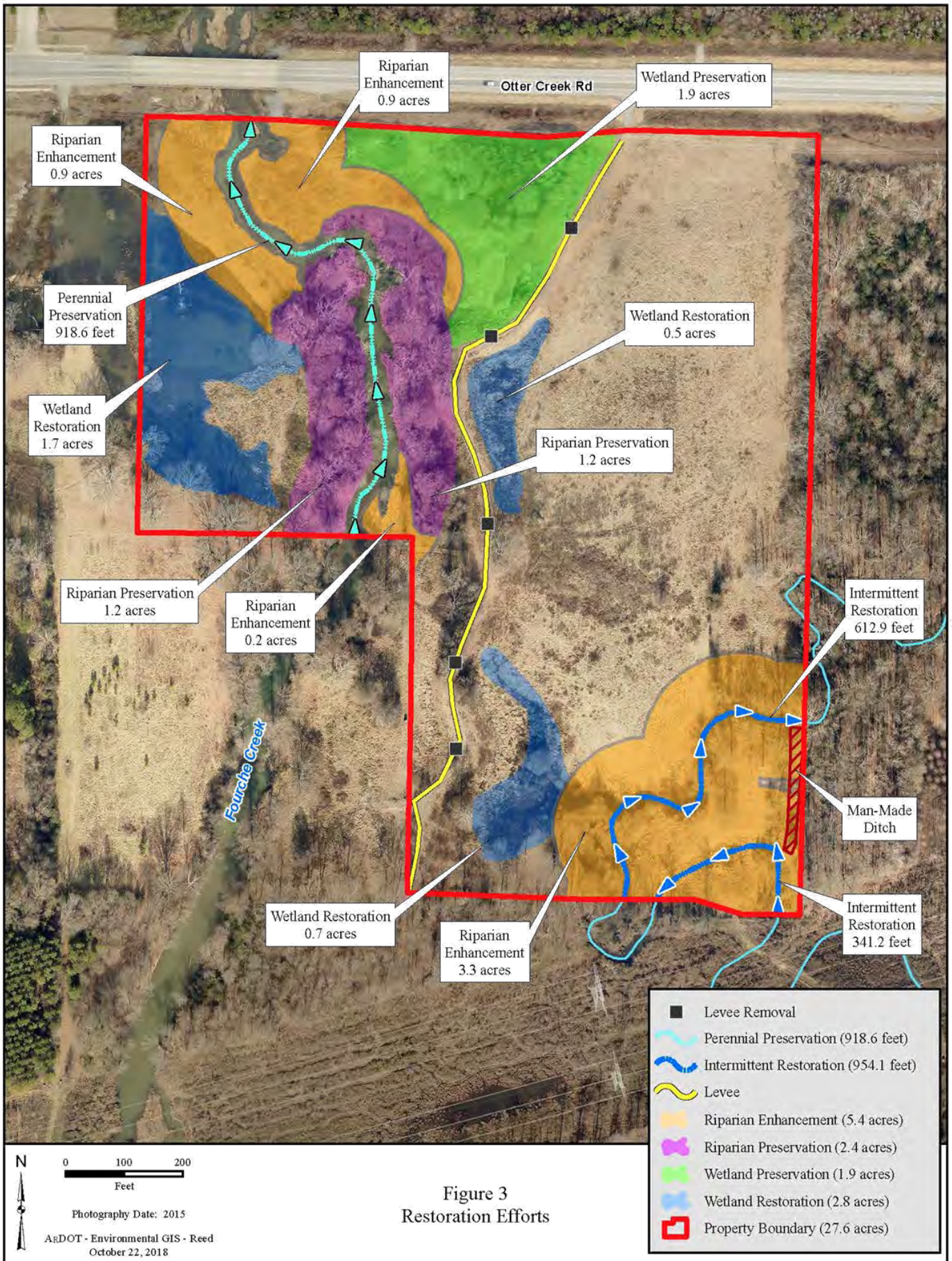


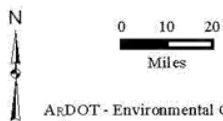
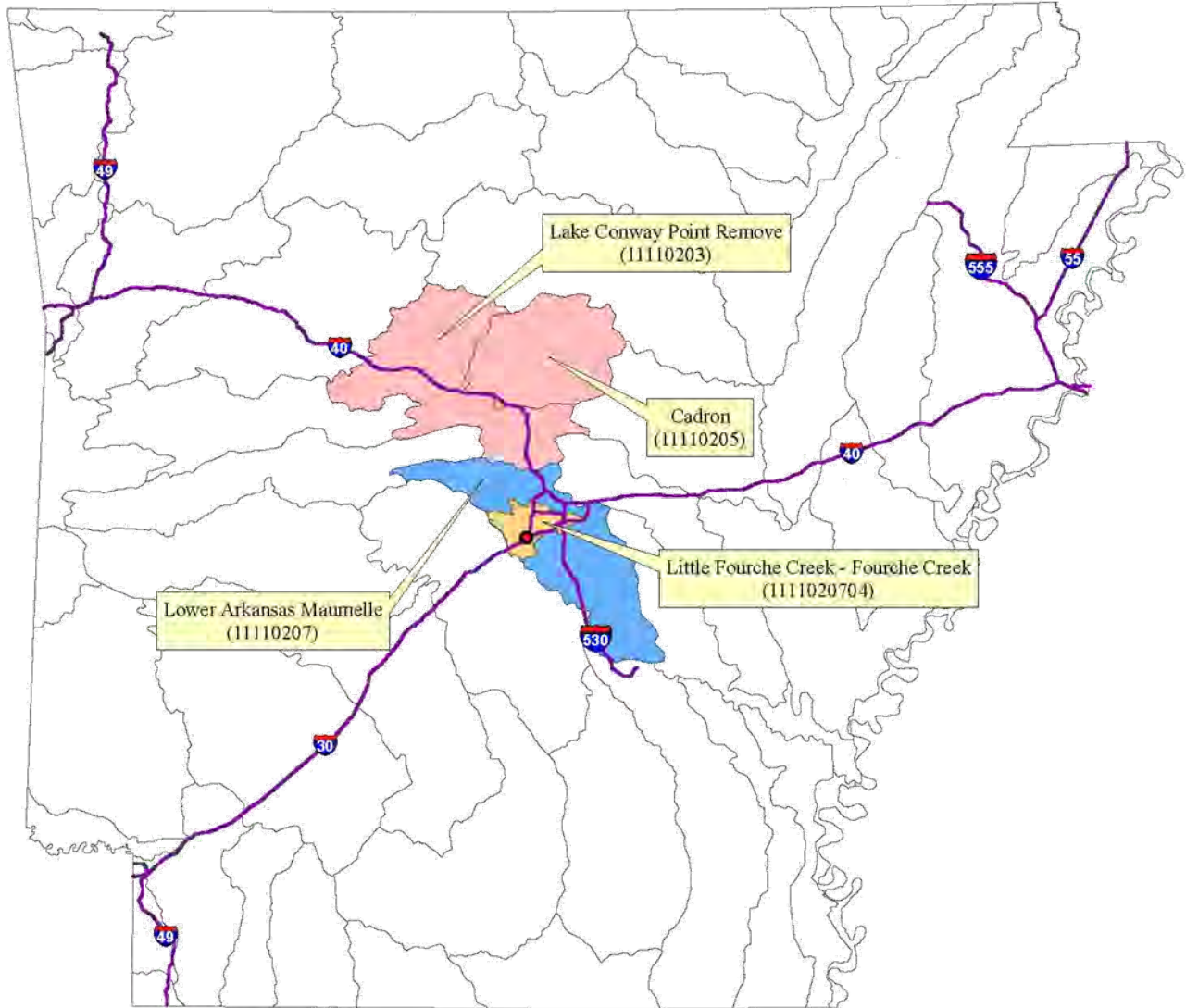
Figure 2
Topographic Map

 Mitigation Bank

USGS Topographic Map:
Alexander 1988

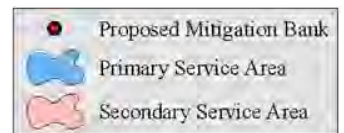
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Feet
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Figure 4
Proposed Service Area Watershed








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Feet

Photography Date: 2015

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Figure 5
Mitigation Lands

-  Fourche Creek Mitigation Site
-  Fourche Creek Mitigation Bank
-  Otter Creek Mitigation Site



Typical view of Fourche Creek on the site



Typical view of maintained wetlands on the site