



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2019-00249

Date: August 17, 2020

Comments Due: September 11, 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

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
10324 Interstate 30
PO Box 2261
Little Rock, Arkansas 72203-2261**

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with constructing a new overpass over Interstate 40 (I-40) and the Union Pacific Railroad (UPRR), and relocating a portion of State Highway 89 at Mayflower. The proposed project is located in section 25, T. 4 N., R. 14. W., and in sections 19, 20 and 30, T. 4 N., R. 13 W., Faulkner County, Arkansas.

The project purpose is to construct a new overpass over the railroad and interstate in order to improve safety, eliminate delays and better facilitate the flow of traffic on State Highway 89 through the Mayflower area.

Interstate 40 (I-40) divides the City of Mayflower into two sections, east and west. State Highway 89 is the only east-west highway in Mayflower, connecting and crossing to I-40, and connecting the two sections of the city. Highway 89 currently has two 11-foot-wide travel lanes with 3-foot-wide shoulders east of I-40. Highway 89 has two 10-foot-wide travel lanes, with variable shoulder widths (up to 2 feet wide) west of I-40. There are only two road crossings of the railroad track in Mayflower. One crossing is on Highway 89 west of I-40 and the other is on a city street, Gandy Lane. Numerous driveways and intersections along Highway 89 create conflict points for vehicles and for bicyclists and pedestrians. Traffic flows are disrupted by vehicles making turns. There are no bicycle and pedestrian facilities along the route. The existing railroad track crossings in Mayflower are at-grade, meaning the track and the roadway are on the same level. Passing trains frequently cause traffic delays lasting up to 8 minutes. Delays can be particularly long (up to 45 minutes) during railroad operations such as train switching. Because the Mayflower fire station, medical clinic and nearest hospital are all located east of the railroad, emergency vehicles responding to incidents west of the railroad are unable to

avoid these delays. Providing a rail-grade separation at either the existing Highway 89 location or at a new location would help solve railroad crossing delays. The Highway 89 railroad crossing's hazard rating indicates it is the 214th most dangerous out of 2,453 at-grade crossings. Additionally, the I-40/Highway 89 interchange area is a mix of local and through traffic, with congestion occurring during morning and evening commuting hours. Vehicles stack up and block the Highway 89 travel lanes near the interchange ramps during these times as drivers wait to make left turns. Also, incidents on I-40 cause major delays on Highway 89 when traffic diverts through Mayflower. The Mayflower Elementary, Middle, and High Schools create much of the local traffic on Highway 89. Traffic congestion occurs during student drop-off and pick-up times. Additionally, vehicles parking along the highway's narrow shoulders near the schools contribute to the problem.

The proposed project, known as Alternative 3, would construct a new overpass that spans I-40 and the UPRR. The project would also relocate a segment of Highway 89 on the west side of I-40 to better facilitate traffic and widen a short segment of State Highway 89 on the east side of I-40. The new overpass would be constructed west of the existing I-40 interchange and provide a new route from the overpass to the intersection of Highway 89 and Billy Drive. The new railroad overpass would provide four 11-foot-wide travel lanes, a 12-foot-wide dedicated center lane, an 11-foot-wide right turn lane and a pedestrian facility. The overpass would cross I-40 at a perpendicular angle, requiring a shorter bridge than would a skewed angle crossing. The existing Highway 89 railroad crossing would remain in place. The new location State Highway 89 segment on the west side of I-40 would initially be constructed with two 12-foot-wide travel lanes, a 12-foot-wide painted median and open shoulders. Right-of-way sufficient to allow for future expansion to a four-lane roadway with a raised median would be acquired. East of I-40, the proposed right-of-way sufficient to allow for future expansion to a three-lane roadway would also be acquired. State Highway 89 at the east end of the project crosses the Lake Conway causeway. The causeway would need to be widened to accommodate a three-lane roadway. The traffic lanes east of I-40 will initially be striped to match the existing two-lane configuration, leaving an extra width of unutilized pavement at this location until the remainder of the widening of Highway 89 east of this location is completed under a separate project. The project is approximately 1.5 miles in length and will require the acquisition of approximately 45.9 acres of right-of-way. The total construction cost for the project is estimated to be \$18.6 million.

Approximately 632 linear feet of streams would be relocated due to culvert construction. These streams are considered low-to-medium value; two are classified as intermittent and one is classified as ephemeral. Approximately 0.6 acres of herbaceous wetlands would be adversely impacted. The threatened Piping Plover (*Charadrius melodus*) and the endangered Least Tern (*Sterna antillarum*) are known to utilize Lake Conway for foraging habitat. Impacts during construction could affect the foraging habits of the listed species but the impacts would be temporary and minimal. Land use acreage impacts within the City of Mayflower include 0.5 acres of resort commercial, 1.7 acres of single family, 5.4 acres of highway, 9.6 acres of prime farmland, 26.5 acres of mixed use and 31.3 acres of vegetation cover. Approximately 25.7 acres of the 31.3 acres of vegetation cover, is comprised of oak-hickory-pine forest. The project would relocate seven residential owners and tenants, two businesses and one landlord business. The project would not have disproportionately high and adverse effects on minority and low-income populations. Five underground storage tanks are located near the alignment of the project and

would potentially need to be removed. An electrical substation is located within the project alignment. Adverse impacts could occur should the substation need to be moved due to the potential presence of oils and lubricants. Potential PCB contamination is also associated with substations. Air and noise impacts would be minor. There are no anticipated impacts to cultural resources/historic properties, special flood hazard areas or private/public water supplies. An oil spill occurred in the project study area in 2013. The oil and its contaminated debris, soils, and water have been removed; however, it is possible that oil pockets could still be discovered during future excavation activities near Lake Conway.

The Federal Highway Administration and ArDOT completed the environmental assessment (EA) for the project on February 21, 2017, and the finding of no significant impact (FONSI) was finalized on April 25, 2019. The EA evaluated the No Action alternative and three action (build) alternatives, Alternative 1, Alternative 2 and Alternative 3. Alternative 3 was selected as the preferred alternative. Alternative 3 contained fewer stream impacts than the two other alternatives. Alternative 1 and Alternative 3 were comparable in wetland impacts, but had half the wetland impacts of Alternative 2. Wetland impacts would be mitigated at the ArDOT Hartman Bottoms Mitigation Bank near Russellville and stream mitigation credits would be purchased from a Corps of Engineers approved stream mitigation bank. Wetland and stream impacts were avoided and/or minimized where practicable in relation to residential and commercial impacts. The EA concluded that Alternative 3 would meet the regional long range planning vision by providing greater regional connectivity and mobility. A bypass route would offer commuters on the east side of Interstate 40 a more efficient route choice to get to the west side of town. The improved route would reduce the effects of I-40 and the UPRR as community barriers. One result of that is enhanced community cohesion due to the diversion of regional trips. Alternative 3 would improve both emergency services response time and access to public facilities, thereby benefiting the region by enhancing connectivity and community cohesion. The project bypass would diminish the UPRR crossing as a barricade without inducing major impacts to residential homes and local businesses. The bypass would also divert traffic from the existing route, resulting in fewer vehicular conflicts. As a result, safety and operations would be improved.

The location and general plan for the proposed work are shown on the enclosed sheets 1 through 7 of 7.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Energy and Environment, Division of Environmental Quality 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. ArDOT staff archeologists have reviewed topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The FHWA is the lead agency for coordination with all associated Native American Nations and tribal governments. The FHWA initiated coordination with tribes having an active cultural interest in the area on October 6, 2014, and provided the subsequent Cultural Resources Survey. The Tribal Historic Preservation Officers were given the opportunity to comment on the proposed project. The

District Engineer invites responses to this public notice from Federal, State, and local agencies; historical and archeological societies; Native American Nations and tribal governments and other parties likely to have knowledge of or concerns with historic properties in the area.

Endangered Species. 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 to provide any new or additional information on threatened or endangered species.

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.

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 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 **September 11, 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: **34.970630**

Longitude: **-92.419204**

UTM Zone: **15N** North: **3869937**

East: **553023**

Figure 2 Project Region

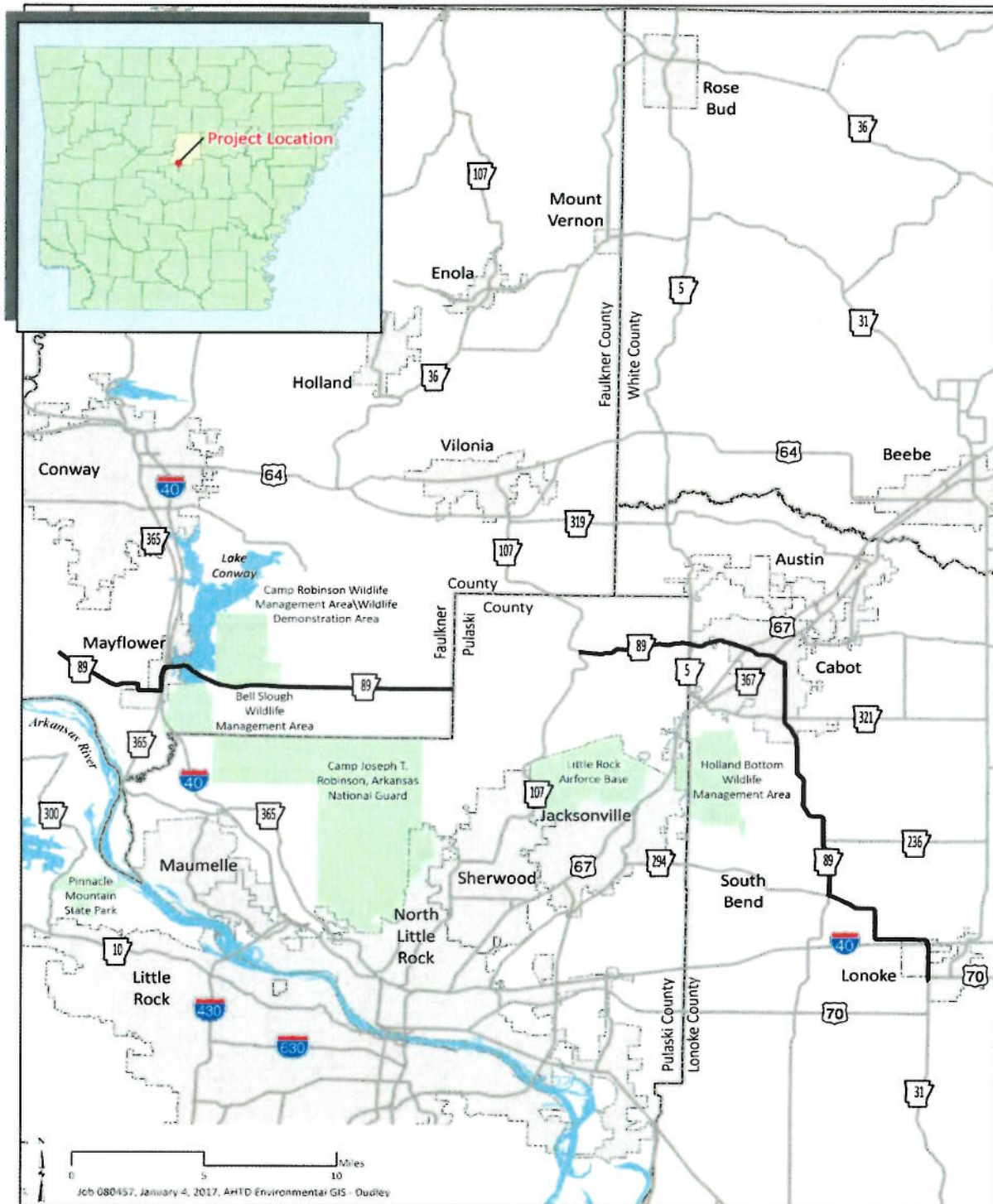


Figure 1. Project Location



Figure 6 – Alternatives 1, 2, & 3

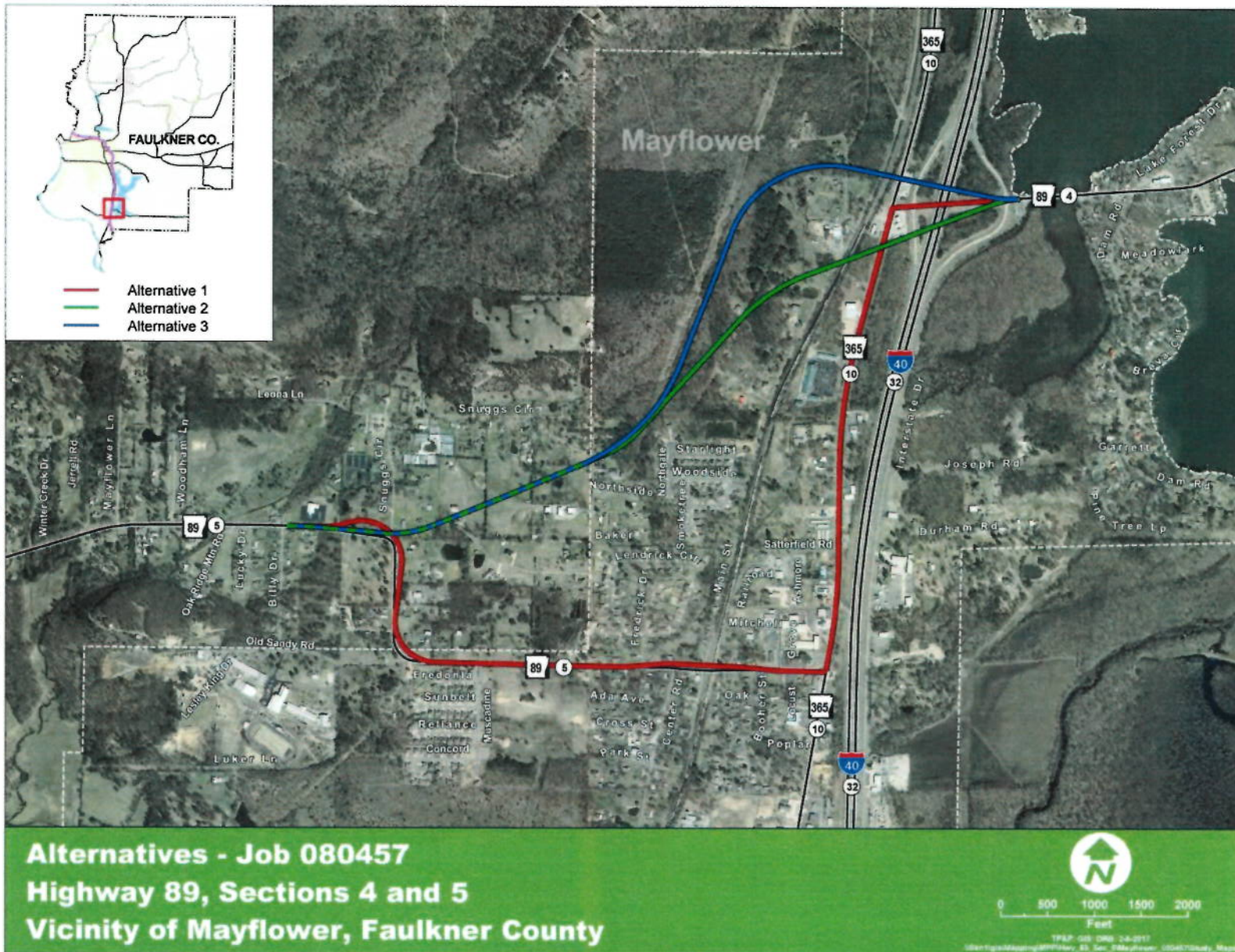


Figure 10 Water Resources and Wetlands



Figure 4 Typical Cross Section



**ADVERSE IMPACT
FACTORS FOR RIVERINE SYSTEMS WORKSHEET**

Stream Type Impacted	Ephemeral 0.1			Intermittent 0.4			Perennial-OHWM width		
							<15' 0.4	15'-30' 0.6	>30' 0.8
Priority Area	Tertiary 0.1			Secondary 0.4			Primary 0.8		
Existing Condition	Functionally Impaired 0.1			Moderately Functional 0.8			Fully Functional 1.6		
Duration	Temporary 0.05			Recurrent 0.1			Permanent 0.3		
Activity	Clearing 0.05	Utility Crossing/Bridge Footing 0.15	Below Grade Culvert 0.3	Armor 0.5	Detention 0.75	Morphologic Change 1.5	Impoundment (dam) 2.0	Pipe >100' 2.2	Fill 2.5
Cumulative Linear Impact	<100' 0	100'-200' 0.05	201-500' 0.1	501-1000' 0.2	>1000 linear feet (LF) 0.1 reach 500 LF of impact (example: scaling factor for 5,280 LF of impacts = 1.1)				

Factor	Dominant Impact Stream 1	Dominant Impact Stream 2	Dominant Impact Stream 3	Dominant Impact	Dominant Impact
Stream Type Impacted	Intermittent	Ephemeral	Intermittent	blank	blank
Priority Area	Tertiary	Tertiary	Tertiary	blank	blank
Existing Condition	Functionally Imp	Moderately Func	Functionally Imp	blank	blank
Duration	Permanent	Permanent	Permanent	blank	blank
Activity	Pipe >100'	Below Grade Cu	Below Grade Cu	blank	blank
Cumulative Linear Impact	201-500' 0.1	100-200' 0.05	201-500' 0.1	blank	blank
Sum of Factors	M = 3.3	1.7	1.4	0	0
Linear Feet of Stream Impacted in Reach	LF= 230	145	257		0
M X LF	759.00	247	360	0	0

Total Mitigation Credits Required = (M X LF) = 1,365.30

Required Wetland Mitigation Credit Table and Worksheet



TIP: Leave cursor over each factor or option below to pop-up helpful information or definitions.

Required Wetland Mitigation Credit Table						
FACTORS	OPTIONS					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0		Partially Impaired 2.0		Fully Functional 2.5
Duration	0 to 1 Year 0.2	1 to 3 Years 0.5	3 to 5 Years 1.0	5 to 10 Years 1.5	Over 10 Years 2.0	
Dominant Impact	Shade 0.2	Clear 1.0	Drain 2.0	Dredge 2.5	Impound/Flood 2.5	Fill 3.0
Cumulative Impact	< 0.25 Acre 0.1	0.25 - 0.99 Acres 0.2	1.0 - 2.99 Acres 0.5	3.0 - 9.99 Acres 1.0	≥ 10.0 Acres 2.0	

NOTE: The cumulative impact factor for the overall project should be included in the sum of factors for each impacted area on the Required Wetland Mitigation Credit Worksheet

Required Wetland Mitigation Credit Worksheet						
FACTOR	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5	AREA 6
Lost Type	Type C	Type C				
Priority Category	Tertiary	Tertiary				
Existing Condition	Impaired	Impaired				
Duration	Over 10 Years	Over 10 Years				
Dominant Impact	Fill	Fill				
Cumulative Impact	0.25 - 0.99 Acres	0.25 - 0.99 Acres				
Sum of Factors	6.9	6.9				
Impacted Area	0.3	0.3				
R x AA=	2.07	2.07				

Required Wetland Mitigation Credits = $\Sigma (R \times A) =$

4.14
