



US ARMY Corps
Of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2011-00051-1

Date: July 12, 2013

Comments Due: August 06, 2013

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, Johnny McLean, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, e-mail 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 the

**Arkansas Highway and Transportation Department (AHTD)
PO Box 2261
Little Rock, Arkansas 72203**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with constructing a four-lane highway bypass around the City of Bella Vista. This job would construct the eastern segment of the bypass. The western segment of the bypass was permitted in 2011, and is currently under construction. This eastern segment of the project begins just south of the community of Hiwasse at State Highway 72 and extends eastward to U.S. Highway 71 approximately one mile south of Bella Vista. The project extends for approximately six miles and is located in sections 7, 8, 12, 13, 14, 15, 16 and 17, T. 20 N., R. 31 W., Benton County, Arkansas. The entire project will be built on new alignment.

The basic purpose of the project is to sustain economic growth in the region by constructing a safe, cost-effective interstate grade highway. The overall purpose of the project is to upgrade the U.S. Highway 71 corridor. In the early 1990's, Congress and the Intermodal Surface Transportation Efficiency Act identified the U.S. Highway 71 corridor extending from Kansas City, Missouri to Shreveport, Louisiana as a high-priority corridor. Similar to the AHTD, the Missouri Department of Transportation has made a commitment to upgrade the existing U.S. Highway 71 to a freeway facility from the Arkansas/Missouri state line to Kansas City. The project is not water dependent, and an extensive alternative analysis was completed as part of the environmental impact statement (EIS).

The vicinity map, location map and stream impact table for the proposed work are shown on the enclosed Sheets 1 through 4. The project lies within the Elk River watershed in the Ozark Highlands Ecoregion. The Elk River flows into the Neosho River as part of the Grand Lake of the Cherokees. The Neosho River has been dammed several times but eventually flows into the Arkansas River near Muskogee, Oklahoma.

The project would impact 11 streams and would require the discharge of approximately 26,599 cubic yards of fill material. Approximately 9,280 linear feet of stream would be relocated and approximately 5,432 linear feet of stream would be routed through culverts. The streams impacted are the headwaters of Tanyard and McKisic Creek, and nine unnamed tributaries that flow into either Tanyard Creek or McKisic Creek. Little Sugar Creek will be bridged and there will be no stream channel relocation. The Little Rock District Stream Method was used to assess stream impacts and required mitigation. The Method determined that a total of 61,903 stream credits would be required for mitigation. The AHTD has agreed to mitigate for all stream impacts. The AHTD proposes to purchase stream mitigation credits from an approved bank in the Elk River watershed or the Illinois River watershed. A copy of the stream evaluation worksheets can be found on the electronic version of the public notice at: <http://www.swl.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>.

During the planning stages, proposed impacts to streams were minimized to the maximum extent that was practical. Spring boxes with pipe culvert outlets will be constructed at all spring locations. An attempt was made to cross the headwater segments of each stream, avoid relocatees and maintain interstate design standards at the same time. There are 20 relocatees (18 residences and 2 businesses) associated with this project and approximately 41 acres of prime farmland will be impacted. In addition to the no-build alternative, the EIS evaluated three alternative alignments. The EIS was completed for the project on December 21, 1999, and the Record of Decision was signed on April 19, 2000. A Design Reassessment for the project was completed in June 2007. The EIS and Design Reassessment are available for viewing at the AHTD's Little Rock office.

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. Intensive archeological investigations were conducted by the AHTD along the route of the bypass. All findings were coordinated through the State Historic Preservation Officer. Twelve archeological sites were identified within the area of potential effect. Two sites were determined to be not eligible for the National Register of Historic Places (NRHP) in the initial pedestrian survey. One site was avoided by a change in the design plans of the highway. The other nine sites that were to be impacted were tested for eligibility for the NRHP. Of these nine sites, two were eligible for the NRHP. As mitigation, these two sites are currently undergoing data recovery operations and are estimated to be finished by 2014.

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 **August 06, 2013**. 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, flood plain 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.

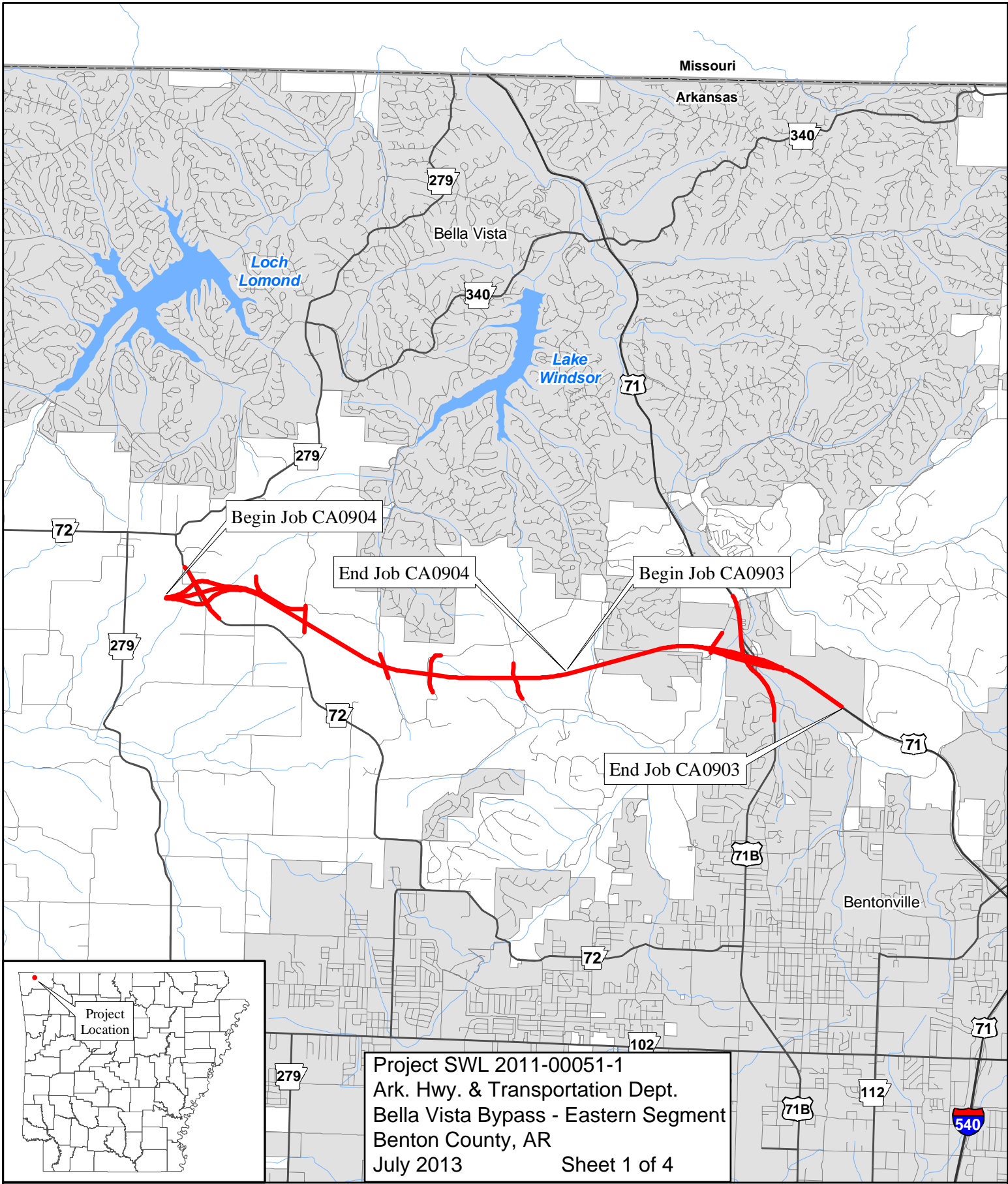
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all

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.

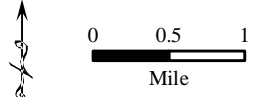
Enclosures

Approximate Coordinates of Project Center


UTM Zone: **15** Northing: **4030462** Easting: **384692**
Latitude: **36.41242** Longitude: **-94.28608**

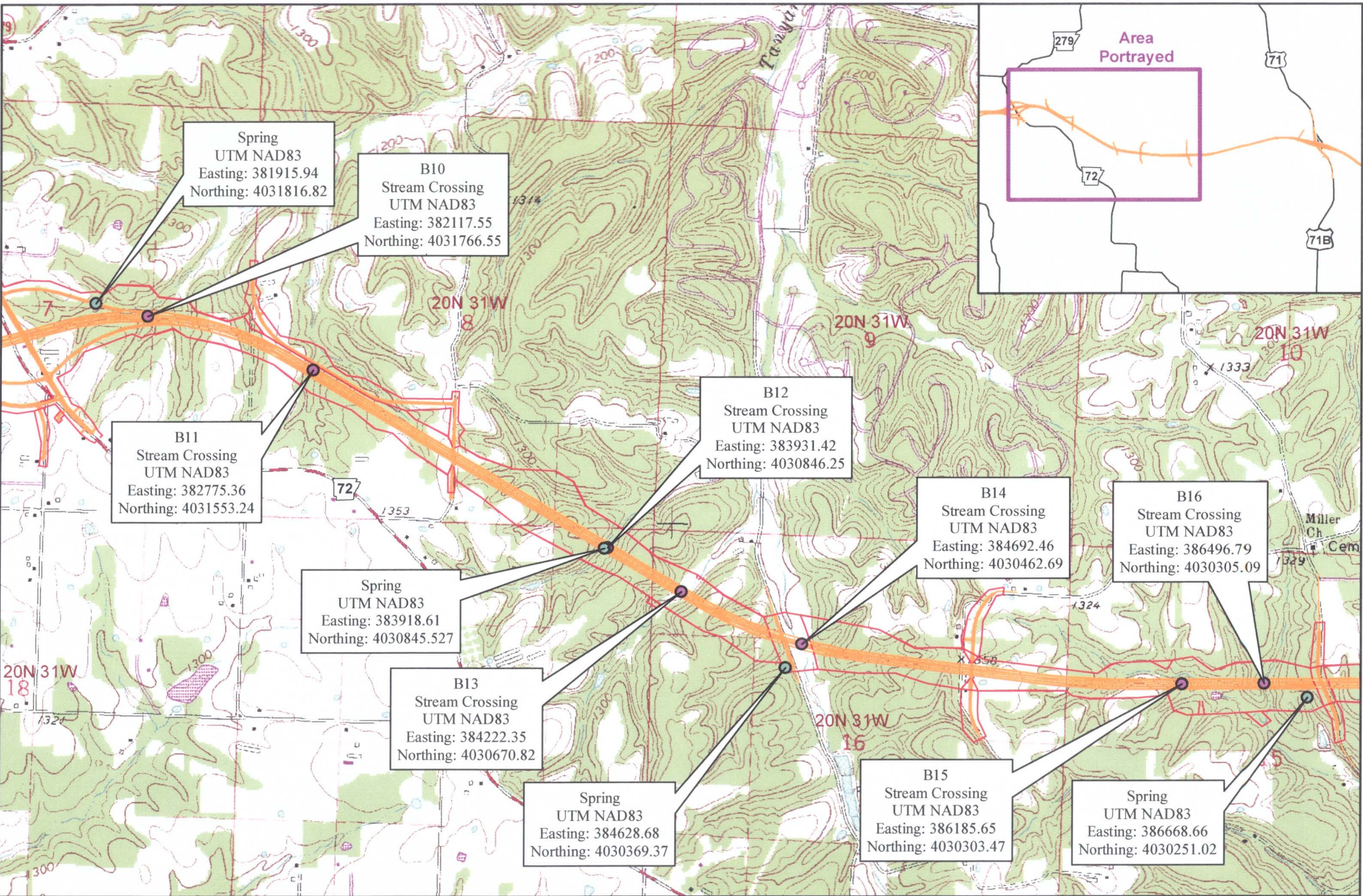


Project SWL 2011-00051-1
 Ark. Hwy. & Transportation Dept.
 Bella Vista Bypass - Eastern Segment
 Benton County, AR
 July 2013 Sheet 1 of 4



Job CA0903
 Hwy. 71 Interchange (Bella Vista Bypass) (Hwy. 71)
 and
 Job CA0904
 Hwy. 71 - Hwy. 72 South (Bella Vista Bypass) (Hwy. 71)
 Benton County

 Project Location



Spring
UTM NAD83
Easting: 381915.94
Northing: 4031816.82

B10
Stream Crossing
UTM NAD83
Easting: 382117.55
Northing: 4031766.55

B11
Stream Crossing
UTM NAD83
Easting: 382775.36
Northing: 4031553.24

B12
Stream Crossing
UTM NAD83
Easting: 383931.42
Northing: 4030846.25

B14
Stream Crossing
UTM NAD83
Easting: 384692.46
Northing: 4030462.69

B16
Stream Crossing
UTM NAD83
Easting: 386496.79
Northing: 4030305.09

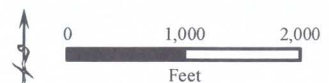
Spring
UTM NAD83
Easting: 383918.61
Northing: 4030845.527

B13
Stream Crossing
UTM NAD83
Easting: 384222.35
Northing: 4030670.82

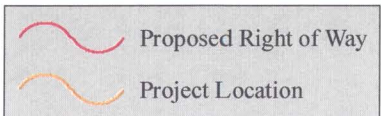
Spring
UTM NAD83
Easting: 384628.68
Northing: 4030369.37

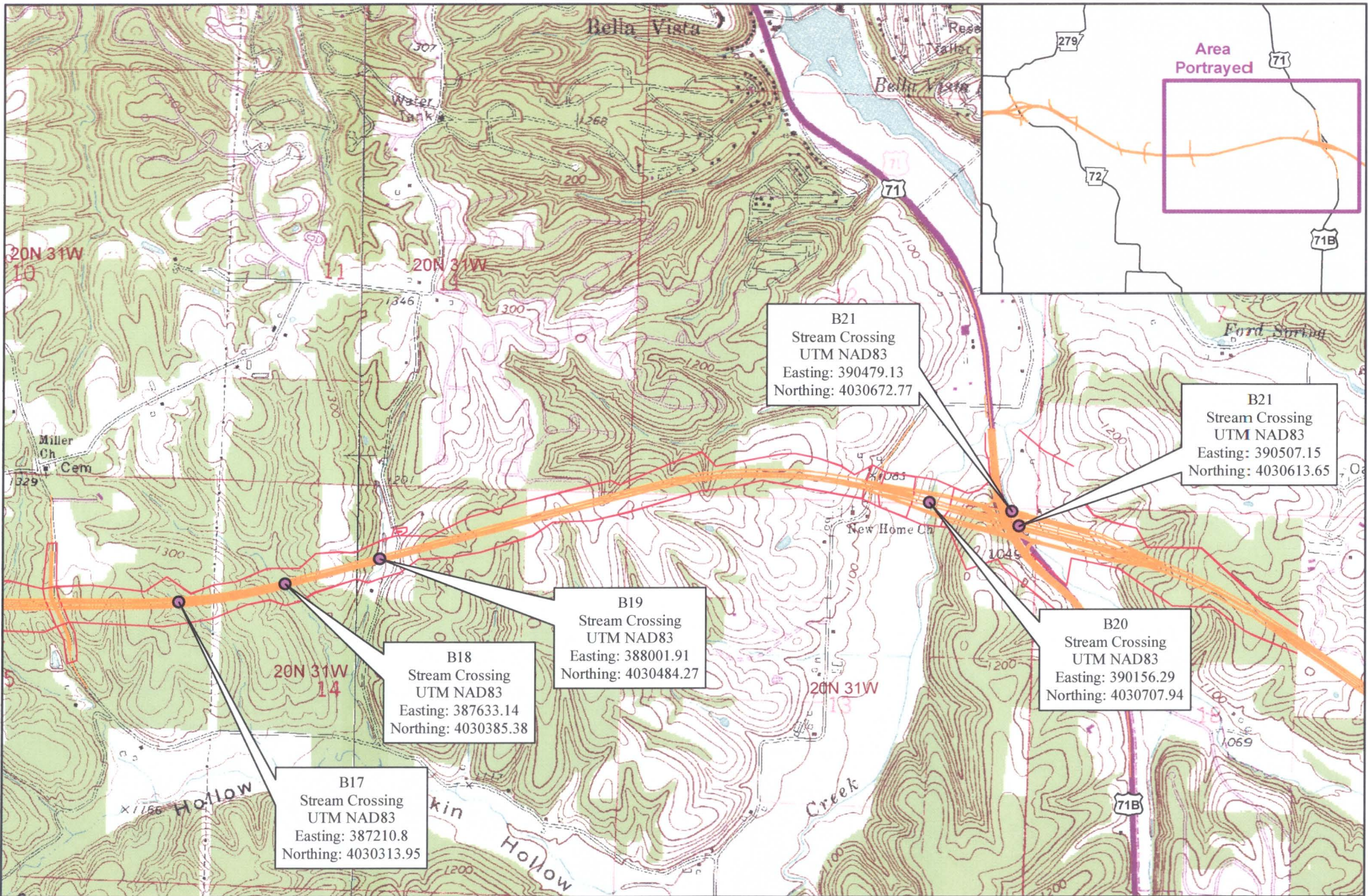
B15
Stream Crossing
UTM NAD83
Easting: 386185.65
Northing: 4030303.47

Spring
UTM NAD83
Easting: 386668.66
Northing: 4030251.02



Job 090224
Sheet 2 of 4
Bella Vista Bypass P.E.
(Hwy. 71)
Benton County





B21
Stream Crossing
UTM NAD83
Easting: 390479.13
Northing: 4030672.77

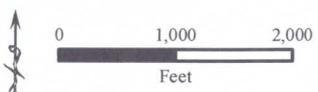
B21
Stream Crossing
UTM NAD83
Easting: 390507.15
Northing: 4030613.65

B19
Stream Crossing
UTM NAD83
Easting: 388001.91
Northing: 4030484.27

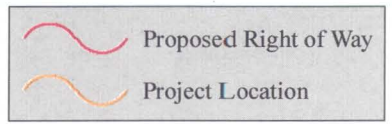
B20
Stream Crossing
UTM NAD83
Easting: 390156.29
Northing: 4030707.94

B18
Stream Crossing
UTM NAD83
Easting: 387633.14
Northing: 4030385.38

B17
Stream Crossing
UTM NAD83
Easting: 387210.8
Northing: 4030313.95



Job 090224
Sheet 3 of 4
Bella Vista Bypass P.E.
(Hwy. 71)
Benton County



AHTD Job Number 090224
Bella Vista Bypass P.E.
East Section from Hwy. 71 – Hwy. 72 South

STREAM IMPACT TABLE
STREAMS B10 – B21

Station Number	Stream Relocation Length	Culvert	Culvert Length
838+19 (B10)	610'	Double Pipe (42")	512'
861+30 (B11)	600'	Double Pipe (42")	498'
905+13 (B12)	680'	Single Box (6'x5')	510'
915+65 (B13)	660'	Double Box (6'x5')	574'
933+15 (B14)	380'	Bridge	
982+70 (B15)	2,470'	Double Box (5'x5')	590'
993+98 (B16)	705'	Single Box (5'x5')	606'
1016+32 (B17)	665'	Single Pipe (48")	616'
1030+01 (B18)	605'	Double Box (6'x5')	514'
1042+57 (B19)	645'	Double Box (5'x5')	526'
1116+50 (B20)	0	Bridge	
1129+23 (B21)	1,260'	Sextuple Box (12'x11')	486'
TOTALS	9,280'		5,432'

Streams B10 – B13 = unnamed tributaries to Tanyard Creek

Stream B14 = Tanyard Creek

Streams B15 – B19 = unnamed tributaries to McKisic Creek

Stream B20 = McKisic Creek

Stream B21 = Little Sugar Creek