



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2014-00328

Date: September 22, 2014

Comments Due: October 17, 2014

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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 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, 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 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 the first segment of the Springdale Bypass. The proposed project (first segment) begins just north of Elm Springs at State Highway 112 and ends at existing Interstate 540 near Bethel Heights, in sections 9, 10, 11, 14, 15, 16, 17, 18, and 19, T. 18 N., R. 30 W., and in sections 13 and 24, T. 18 N., R. 31 W., Benton County, Arkansas. Total length of the project is approximately 4.5 miles.

The basic purpose of the project is to provide safe and efficient movement of traffic within the region while accommodating through and intermodal travelers and alleviating congestion along local roadways. The overall purpose of the project is to upgrade the U.S. Highway 412 corridor. When the entire bypass is completed, it will become U.S. Highway 412, and extend from west of Tontitown to east of Sonora on the north side of Springdale. The project is not water dependent, and an extensive alternative analysis was completed as part of the environmental impact statement (EIS).

The proposed project would involve construction of a four-lane, fully controlled access highway on new location. The new highway would have two 12-foot-wide travel lanes in each direction separated by a variable width median. The project would cross Spring Creek, Puppy Creek and four unnamed tributaries. Spring Creek and Puppy Creek will be spanned with bridges. Both streams would be temporarily impacted by the construction of work roads. A total of 511 cubic yards of temporary rock fill would be discharged below the ordinary high water mark of Spring Creek. A total of 66 cubic yards of temporary rock fill would be discharged below the ordinary high water mark of Puppy Creek. The Spring Creek and Puppy Creek crossings are denoted as numbers 12 and 14 on the enclosed location maps. Culverts would be constructed in the four unnamed tributaries and construction would require the permanent relocation of approximately

1,745 linear feet of streams. The relocations would consist of a mix of filling and piping the stream channels to align them perpendicular to the roadway.

Spring Creek and Puppy Creek are perennial streams located in the Illinois River watershed. They are moderately functional streams with medium-to-high values. Spring Creek is the largest stream impacted by the project and it flows into Osage Creek approximately two miles west of the project. One of the unnamed tributaries is ephemeral and the remaining three are intermittent streams. The unnamed tributaries have been impacted in the past and are considered functionally impaired with low-to-medium values. None of the impacted streams are classified as Ecologically Sensitive Waters or Ecologically Sensitive Waterbodies; however, the proposed project will require Section 401 individual water quality certification from the Arkansas Department of Environmental Quality (ADEQ) due to the extent of the impacts. There are no wetland impacts associated with this project.

The EIS for the bypass was completed on October 6, 2005, and is available for viewing at the AHTD Central Offices in Little Rock. The EIS identified multiple cultural/historical sites in the project area; however, only two were eligible for the National Register of Historic Places. Phase III data recovery will take place on these two sites beginning in the fall of 2014. The EIS also identified 25 residential properties, 9 rental properties, 3 businesses, and 2 farms that would have to be relocated as a result of the project.

During the planning stages, an attempt was made to design the project to cross the headwater segments of each unnamed tributary, avoid relocatees and maintain interstate grade design standards at the same time. In addition to the no-build alternative, the EIS evaluated four alternative alignments. Minimization was accomplished by bridging Spring Creek and Puppy Creek, and crossing the unnamed tributaries near their headwater locations. The Little Rock District Stream Method was used to assess stream impacts and required mitigation. The Method determined that a total of 6,511 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 worksheet is enclosed.

The location and general plan for the proposed work are shown on the enclosed sheets 1 through 6 of 7.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from 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. In addition to the EIS analysis, 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.

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 **October 17, 2014**. 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.

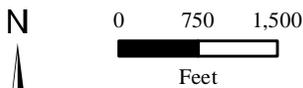
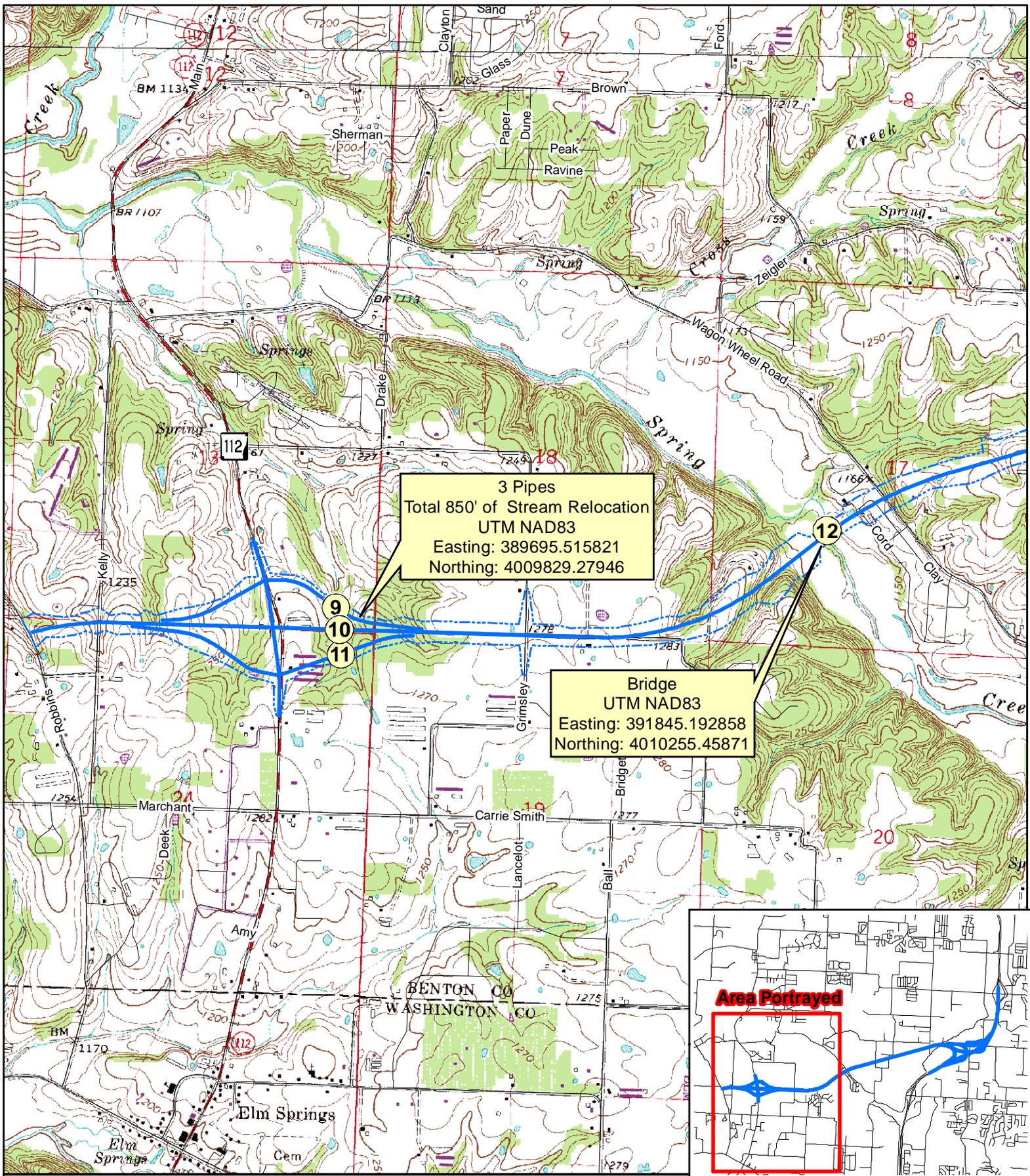
**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.231120**      Longitude: **-94.203515**

UTM Zone: **15**    Northing: **4010254**    Easting: **391844**

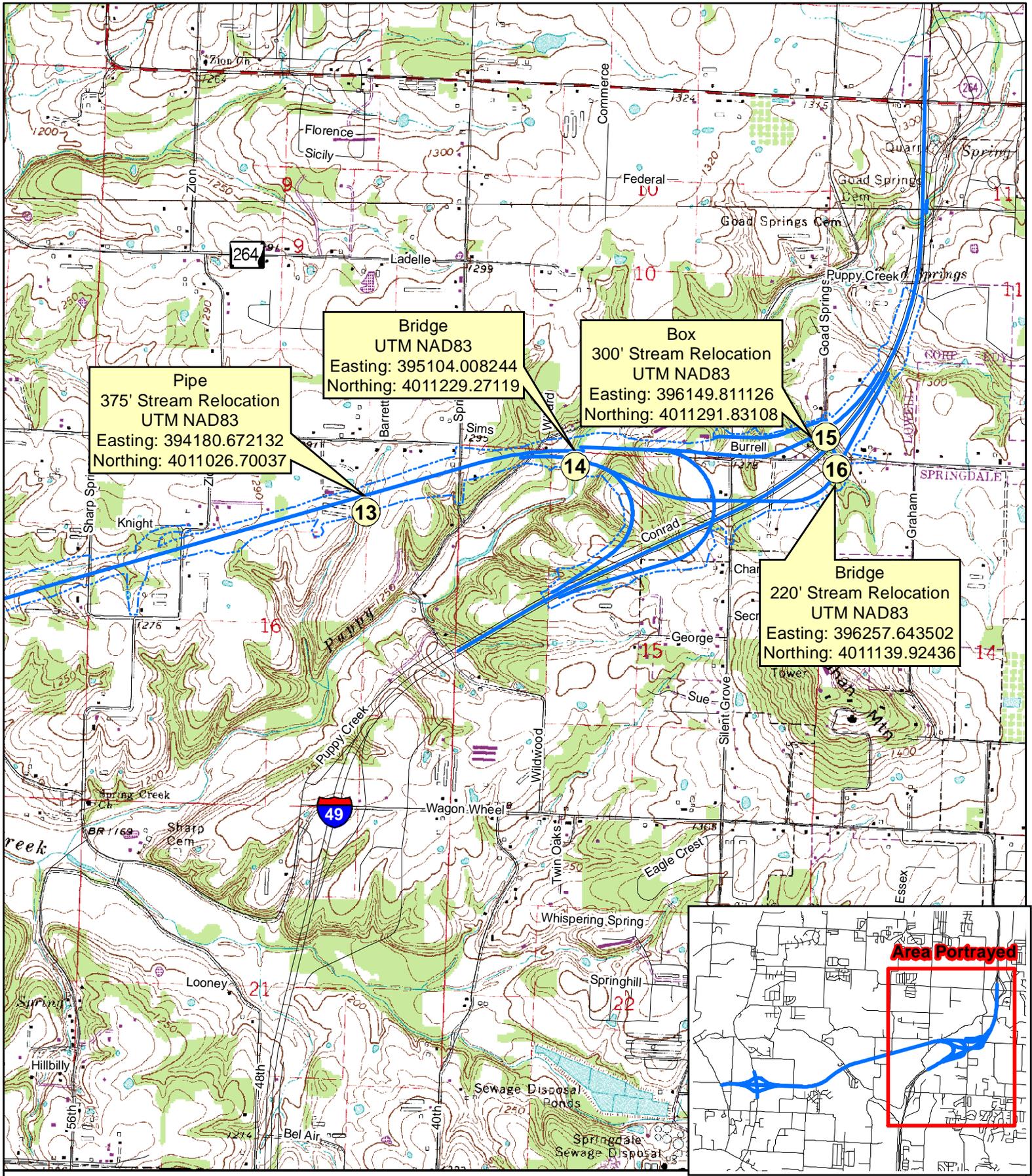


Springdale 1982 USGS TOPO  
 August 15, 2014

AHTD - Environmental GIS - DeMasi

Project No. SWL 2014-00328  
 Ark. Hwy. & Transportation Dept.  
 Springdale Bypass - First Segment  
 Benton County near Elm Springs  
 September 2014 Sheet 1 of 7

- Stream Crossing
- DPH Selected Alignment Alternative
- DPH Selected Alignment Alternative ROW

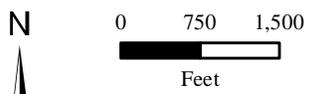
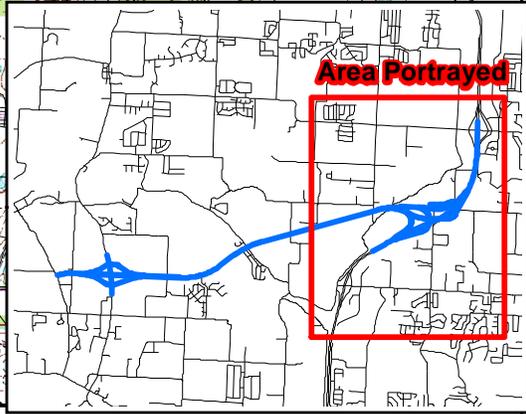


**Pipe**  
 375' Stream Relocation  
 UTM NAD83  
 Easting: 394180.672132  
 Northing: 4011026.70037

**Bridge**  
 UTM NAD83  
 Easting: 395104.008244  
 Northing: 4011229.27119

**Box**  
 300' Stream Relocation  
 UTM NAD83  
 Easting: 396149.811126  
 Northing: 4011291.83108

**Bridge**  
 220' Stream Relocation  
 UTM NAD83  
 Easting: 396257.643502  
 Northing: 4011139.92436



Job CA0907  
 Hwy. 112 - I-540 (Hwy. 412)  
 Benton County  
 Sheet 2 of 2

- Stream Crossing
- DPH Selected Alignment Alternative
- DPH Selected Alignment Alternative ROW

Springdale 1982 USGS TOPO  
 August 15, 2014

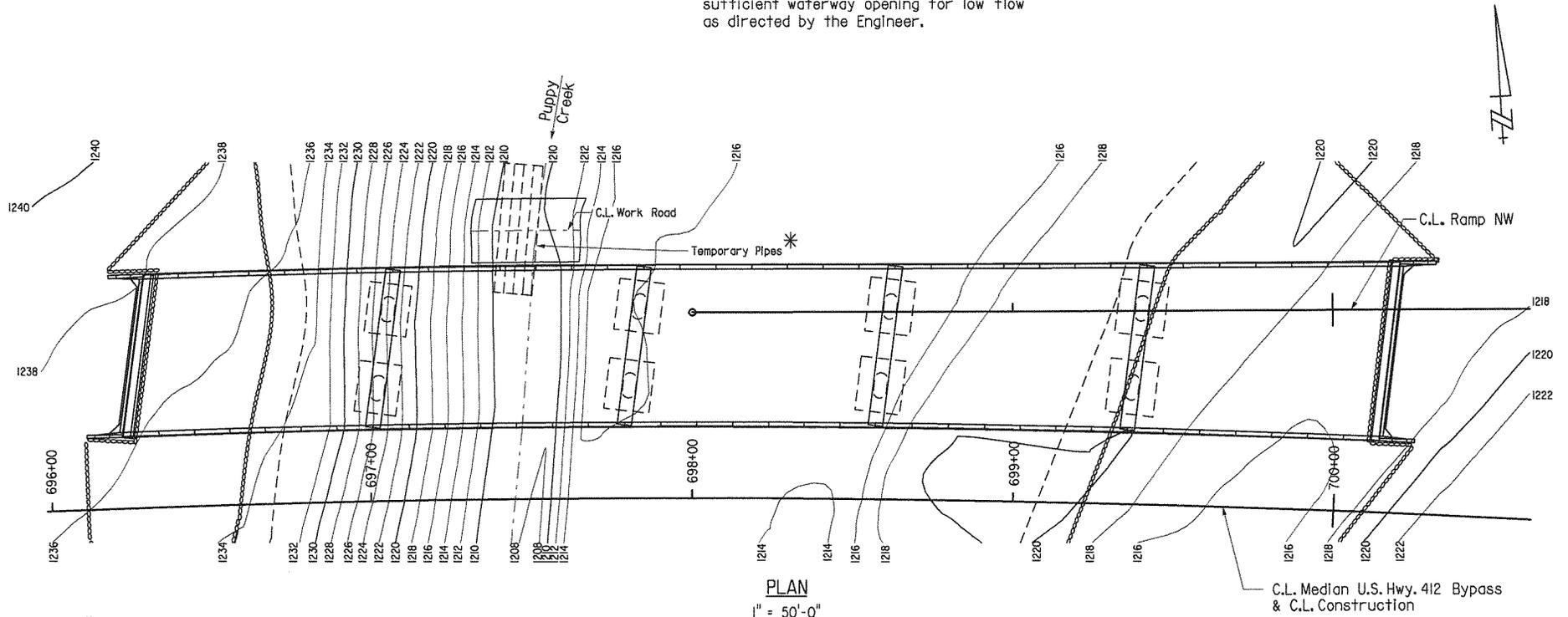
AHTD - Environmental GIS - DeMasi

Sheet 2 of 7





\* Temporary pipes shall be provided to allow sufficient waterway opening for low flow as directed by the Engineer.

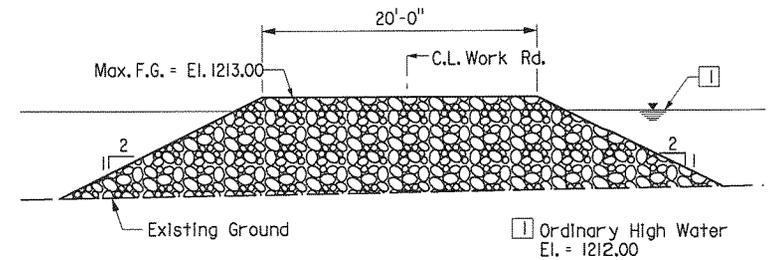


Note: The temporary fill to construct the work road shown has been permitted to facilitate construction of the project.

Note: The Contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity or practicality of the request. A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road submittals.

Note: Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See SP Job CA0907 "Construction In Special Flood Hazard Areas" and Subsection 110.05(c) in the Standard Specifications for additional information. The Contractor is responsible for maintenance of the work road during the contract period.

| TEMPORARY FILL                            |           |
|---|-----------|
| Temp. Fill Below Ordinary High Water      | = 66 CY   |
| Total Volume                              | = 94 CY   |
| Footprint Area                            | = 1055 SF |
| EXCAVATION                                |           |
| Excavation Below Ordinary High Water      | = 0 CY    |
| Footprint Area of Excavation              | = 0 SF    |
| Concrete Volume Below Ordinary High Water | = 0 CY    |



TYPICAL SECTION CONSTRUCTION WORK ROAD

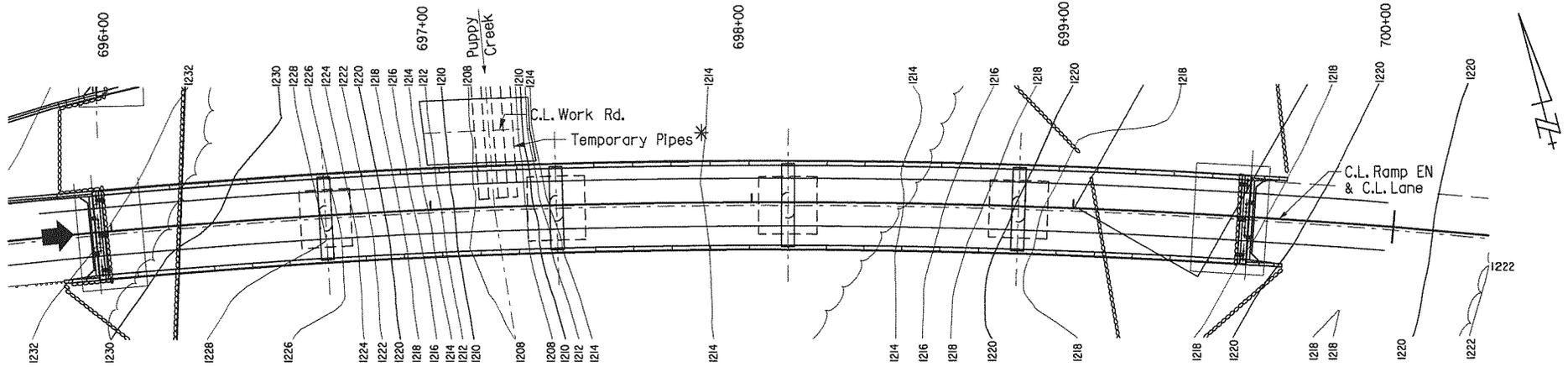
Not to Scale

CONCEPTUAL WORK ROAD PLAN  
OF BRIDGE A OVER PUPPY CREEK  
U.S. HWY. 412  
SPRINGDALE NORTHERN BYPASS  
(PROJECT NUMBER ONE)

BENTON COUNTY

Job No.: CA0907 Drawn by: LWM Date: 3/4/14

\* Temporary pipes shall be provided to allow sufficient waterway opening for low flow as directed by the Engineer.



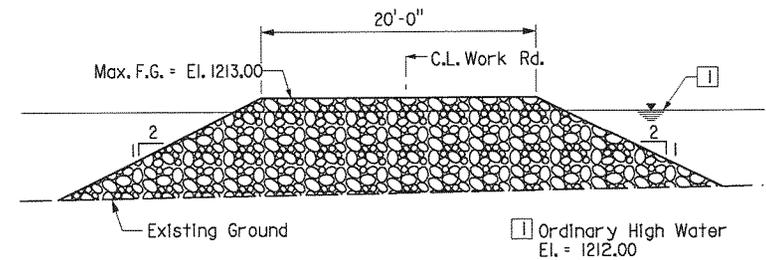
PLAN  
1" = 50'-0"

Note: The temporary fill to construct the work road shown has been permitted to facilitate construction of the project.

Note: The Contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity or practicality of the request. A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road submittals.

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| TEMPORARY FILL        |                              |
|-----------------------|------------------------------|
| Temp. Fill Below      | Ordinary High Water = 107 CY |
| Total Volume          | = 134 CY                     |
| Footprint Area        | = 1174 SF                    |
| EXCAVATION            |                              |
| Excavation Below      | Ordinary High Water = 74 CY  |
| Footprint Area        | of Excavation = 174 SF       |
| Concrete Volume Below | Ordinary High Water = 14 CY  |



TYPICAL SECTION CONSTRUCTION WORK ROAD  
Not to Scale

CONCEPTUAL WORK ROAD PLAN  
OF RAMP EN OVER PUPPY CREEK  
U.S. HWY. 412  
SPRINGDALE NORTHERN BYPASS  
(PROJECT NUMBER ONE)  
BENTON COUNTY  
Job No.: CA0907 Drawn by: LM Date: 3/4/14

**ADVERSE IMPACT  
FACTORS FOR RIVERINE SYSTEMS WORKSHEET**

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

|   | Streams 9, 10, 11      |                        | Stream 13              | Stream 15              | Stream 16              |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|
| Factor                                  | Dominant Impact Type 1 | Dominant Impact Type 2 | Dominant Impact Type 3 | Dominant Impact Type 4 | Dominant Impact Type 5 |
| Stream Type Impacted                    | Ephemeral              | Ephemeral              | Intermittent           | Intermittent           | Intermittent           |
| Priority Area                           | Secondary              | Secondary              | Secondary              | Secondary              | Secondary              |
| Existing Condition                      | Functionally Impa      | Functionally Impa      | Functionally Imp:      | Functionally Imp       | Functionally Impai     |
| Duration                                | Permanent              | Permanent              | Permanent              | Permanent              | Permanent              |
| Activity                                | Pipe >100'             | Fill                   | Pipe > 100'            | Pipe >100'             | Fill                   |
| Cumulative Linear Impact                | blank<br>.35           | blank<br>.35           | blank<br>.35           | blank<br>.35           | blank<br>.35           |
| Sum of Factors                          | M = 3.45               | 3.75                   | 3.75                   | 3.75                   | 4.05                   |
| Linear Feet of Stream Impacted in Reach | LF= 330                | 520                    | 375                    | 300                    | 220                    |
| M X LF                                  | 1,138.50               | 1950                   | 1406.25                | 1125                   | 891                    |

**Total Mitigation Credits Required = (M X LF) = 6510.75**