



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2014-00387

Date: April 24, 2015

Comments Due: May 25, 2015

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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, Jim Ellis, 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: [Jim.D.Ellis@usace.army.mil](mailto:Jim.D.Ellis@usace.army.mil). An electronic copy of the Muddy Bayou 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

**Mr. James Keathley  
Keathley Farms  
283 Mount Vernon Road  
Mount Vernon, Arkansas 72111**

has submitted their Muddy Bayou 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, Keathley Farms 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 Keathley Farms 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 authorized under Section 404 of the Clean Water Act. The project goal is to restore stream and wetland functions and values within the mitigation bank area.

The proposed project is located in Muddy Bayou and associated tributaries and wetlands, in section 1, T. 6 N., R. 11 W., and extending into section 1, T. 6 N., R. 10 W., southeast of Mount Vernon, Faulkner and White Counties, Arkansas. The proposed project lies immediately downstream of Keathley Farms Little Creek Mitigation Bank that was approved in September 2013. The site is approximately 142 acres in size and is primarily fallowed fields. The site historically contained wooded buffers along Muddy Bayou and its associated tributaries but has been altered in the past for agricultural practices. The remaining riparian buffers were impacted

by a tornado on April 25, 2011. The applicant proposes to restore approximately 40.8 acres of riparian buffers and preserve approximately 19 acres of riparian buffers along the existing streams. In addition, approximately 9 acres of forested wetlands will be restored. Wetland hydrology will be restored based on historic aerial photography and historic drainage patterns in the wetland areas.

Wetland Consultants Unlimited has preliminarily identified approximately 6,258 linear feet of perennial stream (Muddy Bayou), 6,766 linear feet of intermittent tributaries, 2,324 linear feet of ephemeral tributaries, and 9 acres of wetlands on the property. Keathley Farms proposes to restore riparian areas of streams and wetlands with the appropriate species mixture of bottomland hardwoods during the standard planting season (December – March). Seedlings will be planted on 12-foot spacings, for a standard density of at least 302 seedlings per acre. Wetland hydrology will be restored through reconstructing channel connections based on historic aerial photography and historic drainage patterns in the wetland areas. The site would be monitored for a minimum of ten years to ensure hydrologic and revegetation success, and would be perpetually preserved.

The proposed bank site lies within the Cadron Watershed 8-digit (11110205) hydrologic unit code (HUC) as designated by the U.S. Geological Survey. Keathley Farms proposes that the primary geographic service area for the bank include the Cadron Watershed (11110205) and the Lake Conway-Point Remove Watershed (11110203) for both wetlands and streams. The Lower Arkansas-Maumelle Watershed (11110207) is proposed as a primary service area for wetlands and a secondary service area for streams. Historically, activities requiring compensatory mitigation within the White Oak Bayou Watershed (111102070401), which is part of the Lower Arkansas-Maumelle Watershed (11110207), have been mitigated within the White Oak Bayou Watershed and therefore excluded as part of any bank service area.

The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 5 of 5.

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. 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.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 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 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 **May 25, 2015**. 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 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: **35.17701**                      Longitude: **-92.12001**

UTM Zone: **15**      North: **3893027**                      East: **580128**

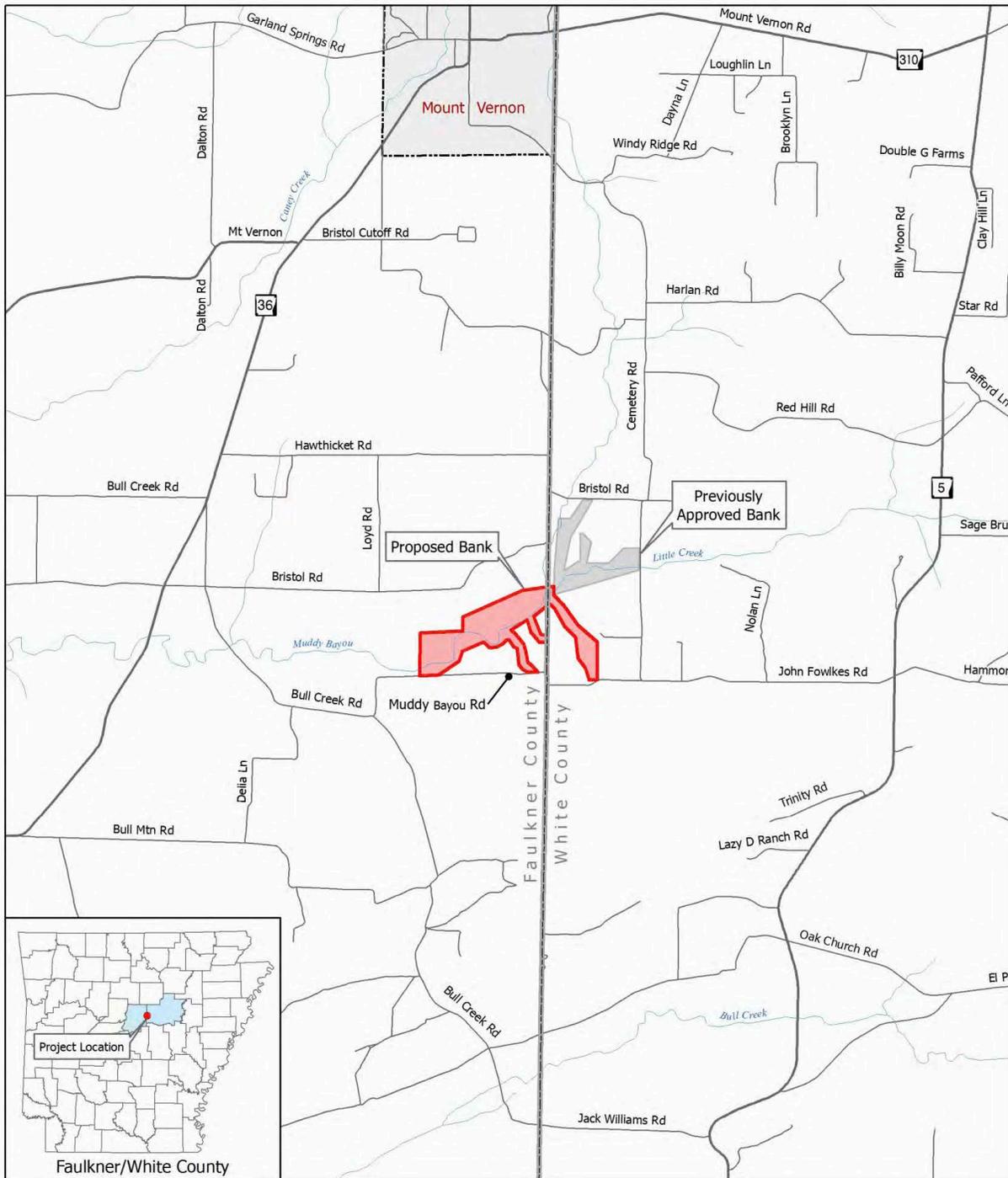
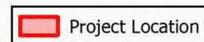
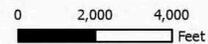


FIGURE 1  
PROJECT LOCATION MAP  
MUDDY BAYOU MITIGATION BANK



January 13, 2014

**ACTION NO.: 2014-00387**  
**Mr. James Keathley (Keathley Farms)**  
**PROPOSED MUDDY BAYOU MITIGATION**  
**BANK**  
**Muddy Bayou and Tributaries**  
**Section 1, T. 6 N., R. 10 & 11 W.**  
**April 2015** **Sheet 1 of 5**

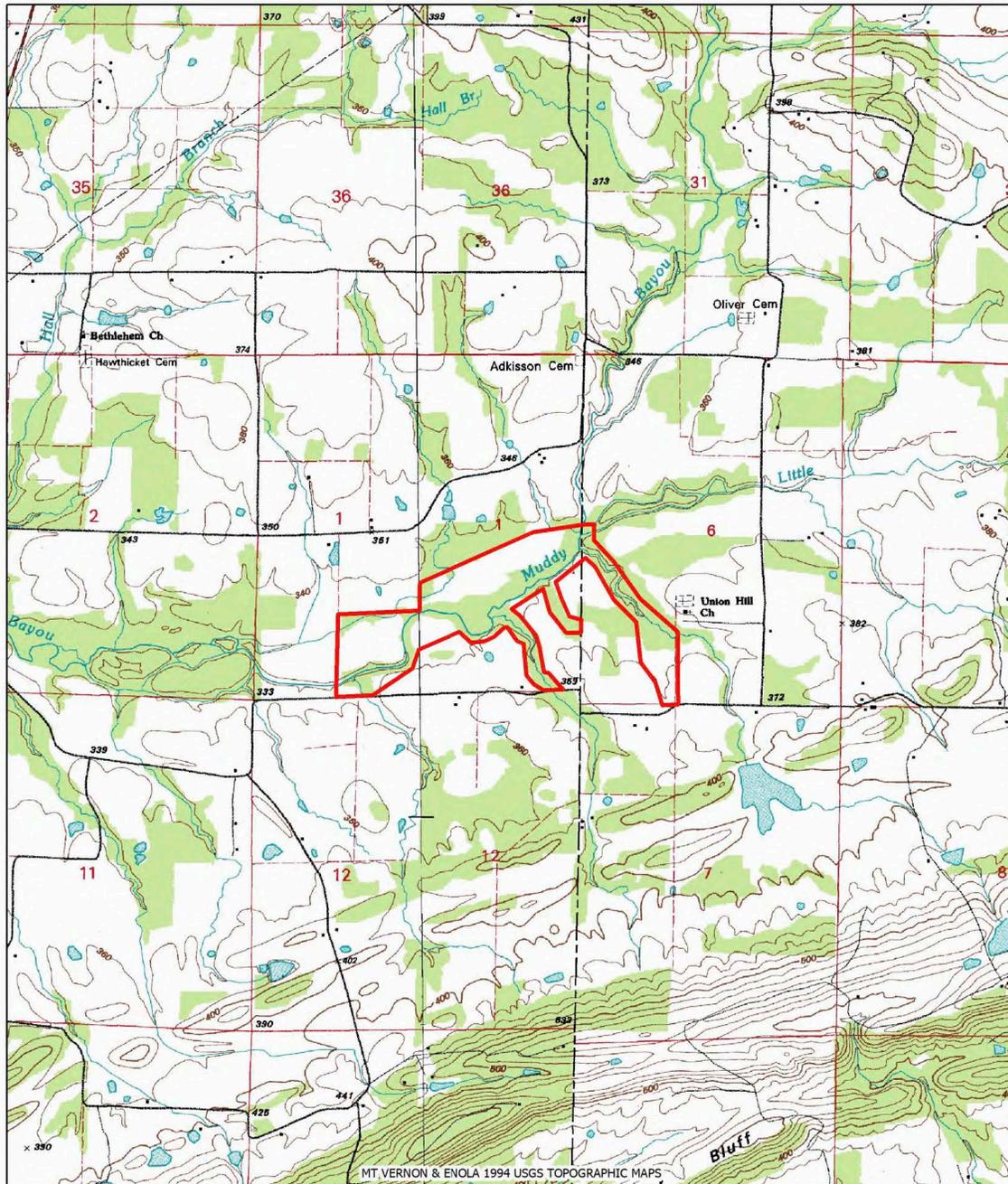
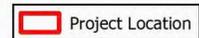


FIGURE 4  
TOPOGRAPHIC MAP  
MUDDY BAYOU MITIGATION BANK

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Scale - 1:24,000



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 PROPOSED MUDDY BAYOU MITIGATION  
 BANK  
 Muddy Bayou and Tributaries  
 Section 1, T. 6 N., R. 10 & 11 W.  
 April 2015 Sheet 2 of 5

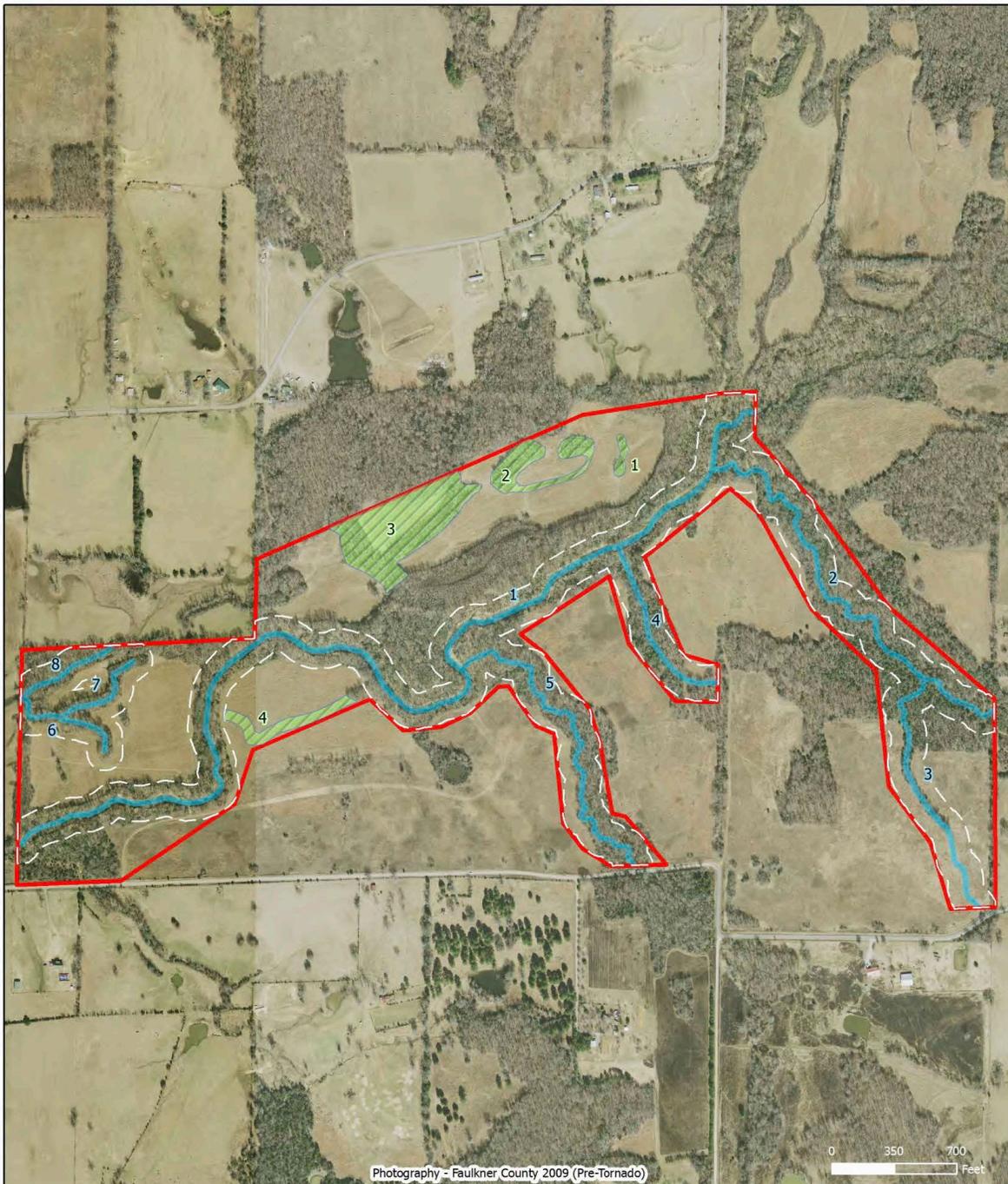
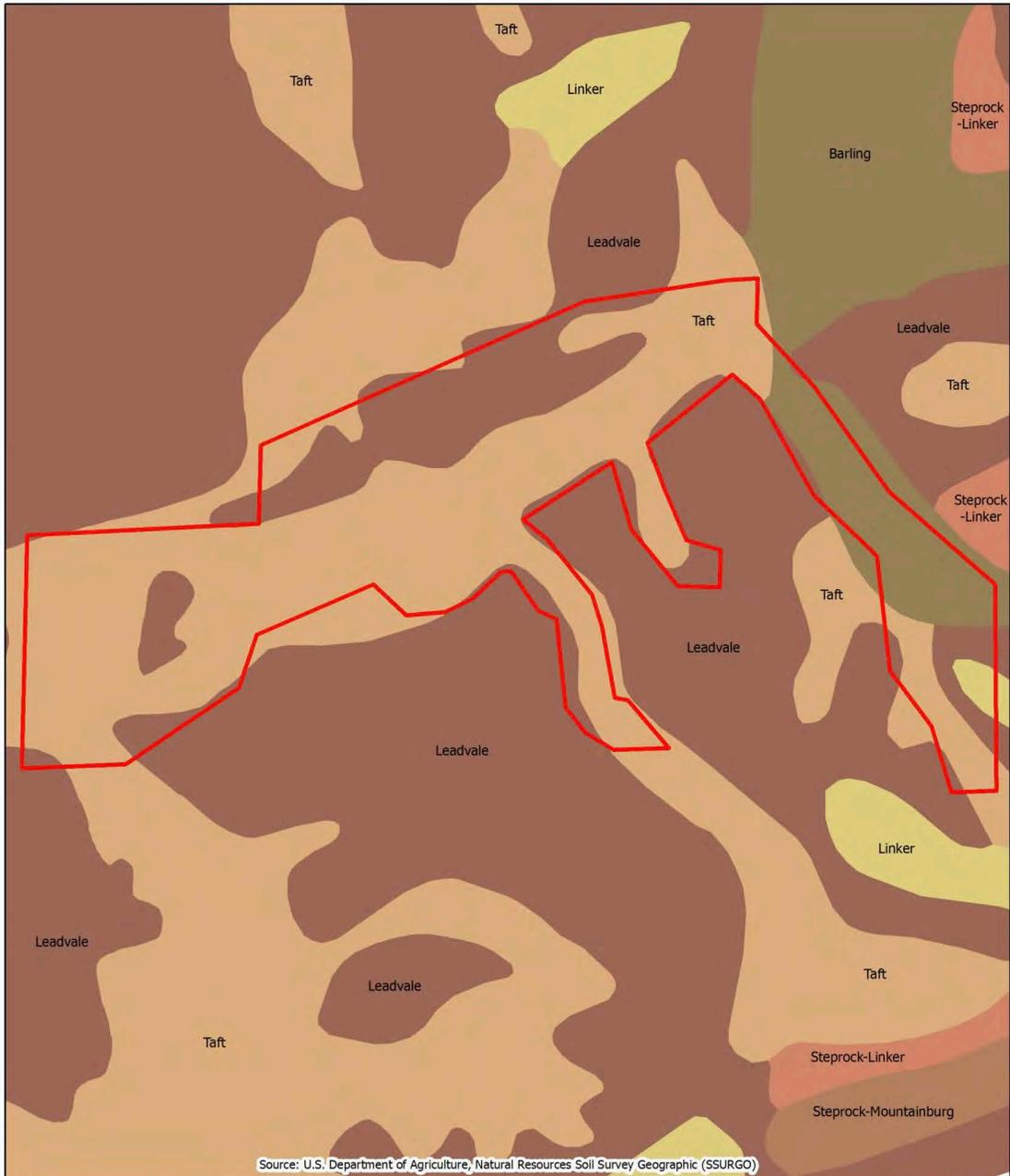


FIGURE 5  
SITE MAP  
MUDDY BAYOU MITIGATION BANK

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- Project Location
- Wetland
- Stream Channel
- 100ft Stream Buffer

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 BANK  
 Muddy Bayou and Tributaries  
 Section 1, T. 6 N., R. 10 & 11 W.  
 April 2015 Sheet 3 of 5



Source: U.S. Department of Agriculture, Natural Resources Soil Survey Geographic (SSURGO)

**WCU**  
WETLAND CONSULTANTS UNLIMITED

FIGURE 3  
SOILS MAP  
MUDDY BAYOU MITIGATION BANK

0 350 700  
Feet

Project Location

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**Muddy Bayou and Tributaries**  
**Section 1, T. 6 N., R. 10 & 11 W.**  
**April 2015** **Sheet 4 of 5**

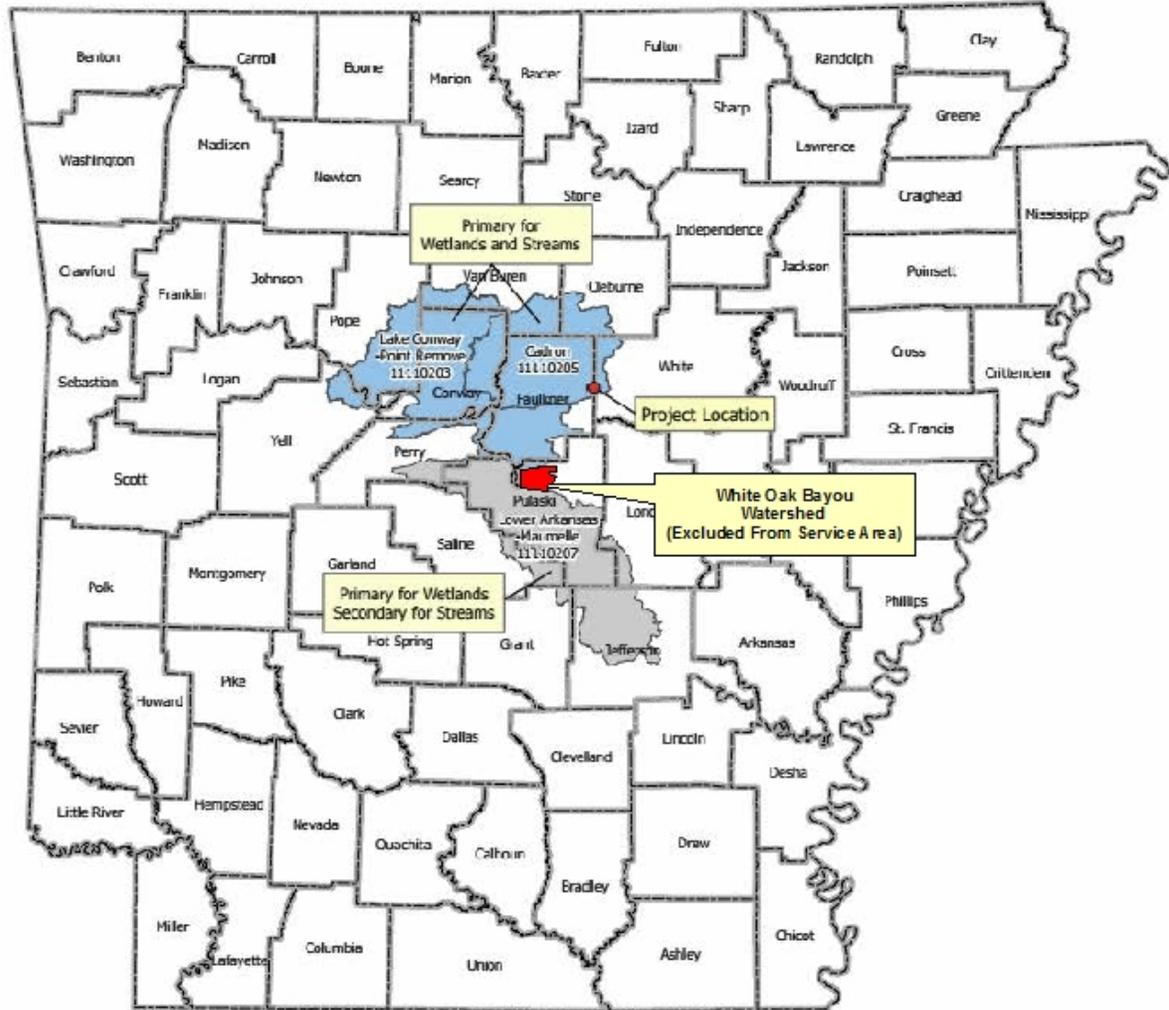
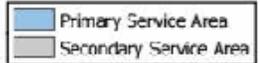


FIGURE 6  
B-DIGIT HUC LOCATION MAP  
MUDDY BAYOU MITIGATION BANK



February 5, 2014

ACTION NO.: **2014-00387**  
 Mr. James Keathley (Keathley Farms)  
 PROPOSED MUDDY BAYOU MITIGATION  
 BANK  
 Muddy Bayou and Tributaries  
 Section 1, T. 6 N., R. 10 & 11 W.  
 April 2015 Sheet 5 of 5