

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2015-00070-1 Date: May 9, 2016 Comments Due: June 3, 2016

TO WHOM IT MAY CONCERN: **Comments are invited on the work described below. Please see the <u>Public Involvement</u> section for details on submitting comments.**

<u>Point of Contact</u>. If additional information is desired, please contact the project manager, Mr. 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: <u>Johnny.L.McLean@usace.army.mil</u>.

<u>Project Information</u>. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

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

has requested authorization for the placement of dredged and fill material in waters of the United States associated with constructing the final segment of the Searcy Bypass. The other two segments of the bypass, one south and one east of the proposed segment, are currently under construction. This segment would cross seven streams and one wetland area. The proposed project is located on the northwest side of Searcy and would connect State Highway 16 and State Highway 36, in sections 31, 32, and 33, T. 8 N., R. 7 W., and in sections 4, 5, 6, and 7, T. 7 N., R. 7 W., White County, Arkansas.

The basic purpose of the project is to construct a connector between Highway 16 and Highway 36. The overall purpose of the project is to relieve congestion in Searcy by allowing traffic to avoid Race Street and Beebe Capps Expressway, and allow drivers traveling from the north and drivers traveling from U.S. Highway 67/167 to bypass traffic in downtown Searcy. The project would also provide traffic on the west side of Searcy better access to U.S. Highway 67/167. The project is not water dependent.

The project would cross seven streams including Deener Creek and two of its unnamed tributaries, and Rocky Branch and three of its unnamed tributaries. Deener Creek is intermittent and its two unnamed tributaries are ephemeral. Rocky Branch is perennial. One of Rocky Branch's unnamed tributaries is perennial (spring-fed), one is intermittent, and one is ephemeral. Five of the seven streams are moderately functional and two of the seven streams are functionally impaired. The substrate of the streams is primarily soft sediment with some rock. Approximately 1,105 linear feet of stream and 0.3 acres of forested wetlands would be permanently impacted. Approximately 1,333 cubic yards of fill would be discharged into the streams to realign the streams and construct pipe or box culverts.

This project is located in the Arkansas River Ecoregion and in the Little Red River 8-digit (11010014) hydrologic unit code (HUC). Rocky Branch flows into Deener Creek and Deener Creek flows into the Little Red River on the east side of Searcy. The lower 31 miles of the Little Red River are designated as navigable under Section 10 of the Rivers and Harbors Act. Lands adjacent to the project are a mix of forest, pasture and residential development.

The majority of the project would be built on new location. The average right-of-way width for the project is 200 feet and the total length for the project is 3.7 miles. The new roadway would generally consist of two 12-foot-wide travel lanes with 8-foot-wide shoulders. In the urban sections, the lanes would be widened to 14 feet with a 3-foot-wide grass berm and 5-foot-wide sidewalk. The Federal Highway Administration (FHWA) completed the environmental assessment (EA) for the project on June 5, 2012. The EA evaluated three new location alternatives. The northernmost alternative was chosen since it met the purpose and need, minimized overall impacts, balanced the benefits versus the overall impacts and serviced a large number of motorists. The finding of no significant impact (FONSI) for the project was completed on December 1, 2014. A copy of the EA and FONSI are available for viewing at the AHTD Central Office in Little Rock.

There are no environmental justice issues associated with the project. No historic or archeological sites were identified. The project would relocate seven residences. The City of Searcy and White County participate in the National Flood Insurance Program (NFIP). Approximately 740 linear feet of floodway and floodplain would be impacted by the project. The AHTD has determined that the project will not support incompatible use and development of the floodplain and adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project, and none of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life. Approximately 36.8 acres of prime farmland and 2.7 acres of farmland of statewide importance would be converted to highway right-of-way.

The AHTD attempted to cross the streams perpendicular to their paths in order to minimize impacts; however, complete avoidance was not possible.

The AHTD proposes to mitigate for the unavoidable impacts to 1,105 linear feet of stream at the Hartsugg Creek Mitigation Bank. Stream credit requirements were calculated utilizing the Little Rock District Stream Method. The AHTD proposes to mitigate for the unavoidable impacts to 0.3 acres of wetlands at their Glaise Creek Mitigation Bank near Worden, Arkansas. Wetland credit requirements were calculated utilizing the 2002 Charleston Method. Copies of the stream and wetland credit worksheets are attached. The location and general plan for the proposed work are shown on the enclosed sheets 1 through 7 of 9.

<u>Water Quality Certification</u>. 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.

<u>Cultural Resources</u>. The AHTD staff archeologists have reviewed topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The FHWA has completed coordination with all associated Native American Nations and tribal governments. The District Engineer invites responses to this public notice from 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.

<u>Endangered Species</u>. 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 other listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

<u>Floodplain</u>. 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.

<u>Section 404(b)(1) Guidelines</u>. 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.

<u>Public Involvement</u>. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before <u>June 3, 2016</u>. 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: 35.26966 Longitude: -91.78229

UTM Zone: 15 North: 3903628 East: 610755







| Stream | Ephemeral | | | Intermittent | | | Perennial-OHWM width | | |
|------------|----------------------|---------------------|---------|--------------|--|---------|----------------------|---------|-------|
| Туре | 0.1 | | | 0.4 | | | <15' | 15'-30' | >30' |
| Impacted | | | | | 0.4 | 0.6 | 0.8 | | |
| Priority | Tertiary | | | | Secondary | Primary | | | |
| Area | | 0.1 | | | 0.4 | 0.8 | | | |
| Existing | Fu | inctionally Impaire | d | Moo | lerately Fun | ctional | Fully Functional | | |
| Condition | 0.1 | | | | 0.8 | 1.6 | | | |
| Duration | Temporary | | | Recurrent | | | Permanent | | |
| | 0.05 | | | 0.1 | | | 0.3 | | |
| Activity | Clearing | Clearing Utility | | Armor | Detention | Morpho- | Impound | l- Pipe | Fill |
| | | Crossing/Bridge | Grade | | | logic | ment | >100' | |
| | 0.05 Footing Culver | | Culvert | | | Change | (dam) | | |
| | 0.15 0.3 | | 0.5 | 0.75 | 1.5 | 2.0 | 2.2 | 2.5 | |
| Cumulative | <100' 100'-200' 201- | | | 501- | >1000 linear feet (LF) | | | | |
| Linear | 0.05 500' | | | 1000' | 0.1 reach 500 LF of impact (example: scal | | | | aling |
| Impact | 0 0.1 | | | 0.2 | factor for $5,280$ LF of impacts = 1.1) | | | |) |

ADVERSE IMPACT FACTORS FOR RIVERINE SYSTEMS WORKSHEET

| Factor | Stream 1 Stream 2 Trib. Deener Deener Creek Creek | | Stream 3 Trib. Deener Creek | Stream 4 Trib. Rocky Branch | Stream 5 Trib. Rocky Branch | |
|--|---|-------------------|-----------------------------------|-----------------------------------|-----------------------------------|--|
| Stream Type Impacted | Ephermeral | Intermittent | mittent Ephemeral Ephemeral | | Intermittent | |
| Priority Area | Tertiary | Tertiary | Tertiary | Tertiary | Tertiary | |
| Existing Condition | Moderately Funct | Moderately Functi | Moderately Func | Functionally Imp | Functionally Impai | |
| Duration | Permanent | Permanent | Permanent | Permanent | Permanent | |
| Activity | Fill | Fill | Fill Fill | | Fill | |
| Cumulative Linear | blank | blank | blank | blank | blank | |
| Impact | 0.2 | 0.2 | 0.2 | 0.2 | 0.2 | |
| Sum of Factors | M = 4 | 4.3 | 4 | 3.3 | 3.6 | |
| Linear Feet of Stream Impacted in Reach | LF= 150 | 150 | 100 | 345 | 210 | |
| M X LF | 600.00 645 | | 400 | 1138.5 | 756 | |

Total Mitigation Credits Required = (M X LF) = 3539.5

| Stream | Ephemeral | | | Intermittent | | | Perennial-OHWM width | | | |
|------------|----------------------|---------------------|-----------|--------------|--|---------|----------------------|---------|-------|--|
| Туре | 0.1 | | | 0.4 | | | <15' | 15'-30' | >30' | |
| Impacted | | | | | | | 0.6 | 0.8 | | |
| Priority | | Tertiary | Secondary | | | Primary | | | | |
| Area | | 0.1 | | | 0.4 | | | 0.8 | | |
| Existing | Fu | inctionally Impaire | d | Moo | lerately Fun | ctional | Fully Functional | | | |
| Condition | 0.1 | | | | 0.8 | | 1.6 | | | |
| Duration | Temporary | | | Recurrent | | | Permanent | | | |
| | 0.05 | | | 0.1 | | | 0.3 | | | |
| Activity | Clearing | Clearing Utility | | Armor | Detention | Morpho- | Impound | l- Pipe | Fill | |
| | | Crossing/Bridge | Grade | | | logic | ment | >100 | | |
| | 0.05 Footing Culv | | Culvert | | | Change | (dam) | | | |
| | 0.15 0.3 | | 0.5 | 0.75 | 1.5 | 2.0 | 2.2 | 2.5 | | |
| Cumulative | <100' 100'-200' 201- | | | 501- | >1000 linear feet (LF) | | | | | |
| Linear | 0.05 500' | | | 1000' | 0.1 reach 500 LF of impact (example: scal | | | | aling | |
| Impact | 0 0.1 | | | 0.2 | factor for $5,280 \text{ LF}$ of impacts = 1.1) | | | |) | |

ADVERSE IMPACT FACTORS FOR RIVERINE SYSTEMS WORKSHEET

| Factor | Stream 6 Rocky Branch | Stream 7 Trib. Rocky Branch | | | |
|--|--------------------------|-----------------------------------|-------|-------|-------|
| Stream Type Impacted | Perennial 15'-30' | Perennial < 15' | blank | blank | blank |
| Priority Area | Tertiary | Tertiary | blank | blank | blank |
| Existing Condition | Moderately Funct | Moderately Functi | blank | blank | blank |
| Duration | Permanent | Permanent | blank | blank | blank |
| Activity | Fill | Fill | blank | blank | blank |
| Cumulative Linear | blank | blank | blank | blank | blank |
| Impact | 0.2 | 0.2 | | | |
| Sum of Factors | M = _{4.5} | 4.3 | 0 | 0 | 0 |
| Linear Feet of Stream Impacted in Reach | LF= 100 | 50 | | | |
| M X LF | 450.00 | 215 | 0 | 0 | 0 |

Total Mitigation Credits Required = (M X LF) = ____665

Total Mitigation Credits Required for Adverse Impacts = 4,204.5

Calculation of Debits

| FACTORS | OPTIONS | | | | | | | |
|--------------------|---|---------------|------------------------|--|-----------------------|---------|--------------|----------------|
| Lost Type | Type C | | Туре В | | | Туре А | | |
| | 0.2 | | 2.0 | | | 3.0 | | |
| Priority Category | Tertiary | | Secondary | | | Primary | | |
| | 0.5 | | 1.5 | | | 2.0 | | |
| Existing Condition | Very Impaired | | Impaired Slightly Impa | | ired Fully Functional | | y Functional | |
| | 0.1 | | 1.0 2.0 | | 2.5 | | 2.5 | |
| Duration | Seasonal 0.1 | 0 to 1 0.2 | 1 to 3 0.5 | | 3 to 5 1.0 | 5 | to 10 1.5 | Over 10 2.0 |
| Dominant Impact | Shade Clear | | Dredge Drain | | Impound Fill | | | |
| | 0.2 1.0 | | 1.5 2.0 | | 2.5 3.0 | | | |
| Cumulative Impact | $0.05 \mathrm{x} \sum \mathrm{AA}_{\mathrm{i}}$ | | | | | | | |

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

REQUIRED MITIGATION CREDITS WORKSHEET

| Factor | Forested Wetland | | | | |
|--------------------|-----------------------|--|--|--|--|
| Lost Type | Туре А 3.0 | | | | |
| Priority Category | Tertiary 0.5 | | | | |
| Existing Condition | Slightly Impaired 2.0 | | | | |
| Duration | Over 10 years 2.0 | | | | |
| Dominant Impact | Fill 3.0 | | | | |
| Cumulative Impact | 0.2 | | | | |
| Sum of r Factors | $R_1 = 10.7$ | | | | |
| Impacted Area | $A_1 = 0.3$ acres | | | | |
| R x A= | 3.21 | | | | |

Total Required Credits = 3.21

Credits at Glaise Creek Mitigation Bank are 3.5 per acre; 3.21 credits would equal 0.9 acres.





Typical view of Deener Creek at approximate location of proposed road crossing (9/18/15)



Typical view of Rocky Branch at approximate location of proposed road crossing (9/18/15)