



US Army Corps  
of Engineers®  
Little Rock District

# PUBLIC NOTICE

*CORPS OF ENGINEERS*

**Application Number: MVK 2022-00573**

**Date: August 23, 2022**

**Comments Due: September 19, 2022**

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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 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](mailto: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  
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 four-lane divided roadway connecting U.S. Highway 278 east of Monticello to U.S. Highway 65 north of McGehee (ArDOT Job No. 020678). The project is part of the future Interstate 69. The proposed project will impact several streams and adjacent wetlands in sections 13, 23 and 24, T. 12 S., R. 6 W., sections 1, 2, 3, 7, 8, 9, 10 and 11, T. 12 S., R. 5 W., sections 6, 7, 8, 9, 10, 11 and 12, T. 12 S., R. 4 W., and sections 7, 8 and 9, T. 12 S., R. 3 W., Drew and Desha Counties, Arkansas.

The project purpose is to construct a portion of I-69 which will improve efficiency for the movement of goods, improve economic development in the Mississippi Delta and improve transportation linkages in areas of the United States that were overlooked in the original interstate system.

The proposed project is approximately 17 miles in length, will consist of four lanes and will be constructed on new location. The project would initially construct two 12-foot-wide travel lanes with 8-foot-wide inside shoulders and 10-foot-wide outside shoulders. The remaining two lanes would be constructed as funding becomes available. This permit review will evaluate the impacts for the four-lane project as well as the proposed wetland and stream mitigation for all impacts.

The project will require the acquisition of approximately 725 acres of new right-of-way and two residences will be relocated. The project will adversely impact eighteen wetland areas totaling approximately 50.3 acres, sixteen streams totaling approximately 11,914 linear feet and eight agricultural ditches totaling approximately 4,175 linear feet. Stream impacts will be the result of channel relocation and the construction of crossing structures including six pipe culverts, six box

culverts and three bridges. The majority of the streams are perennial and intermittent tributaries that are moderately functional or functionally impaired. Named streams include Piney Creek, Cutoff Creek, Fourmile Creek, Bayou Bartholomew and Crooked Bayou. The majority (43.3 acres) of wetlands are forested and slightly impaired. Adverse impacts will either be filling for highway embankment or clearing for right-of-way. The majority of the waters are located in the Bayou Bartholomew watershed except for those at the eastern end of the project, which are located in the Boeuf River watershed. Both, Bayou Bartholomew and the Boeuf River are part of the Lower Ouachita River Basin. The project will impact approximately 216 acres of the 100-year floodplain. ArDOT determined that the construction would not cause a significant reduction of floodwater storage or retention functions, and adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. Two residential properties will require relocation. The project will not result in any permanent disconnection or division of any community or neighborhood area. Although minority and low-income populations are affected by the project, a determination has been made that the proposed project will not have a disproportionate impact on the Environmental Justice and Title VI populations. The project will impact approximately 532 acres of Prime Farmland and 24 acres of Farmland of Statewide Importance. ArDOT determined that the project will not adversely impact any Federally threatened or endangered species, and no historic properties will be affected.

The future I-69 corridor is 1,600 miles long and was nationally designated in 1991 to provide an interstate connection from the Mexican Border in Texas to the Canadian Border in Michigan. For a variety of planning and study purposes, including the Arkansas Department of Transportation National Environmental Policy Act process, the corridor was divided into 32 different sections. The section stretching from El Dorado to McGehee in Arkansas was designated as Section of Independent Utility (SIU) 13. The Final Environmental Impact Statement (FEIS) for SIU 13 was signed by Federal Highway Administration (FHWA) in October 2005. In May 2006, FHWA signed the Record of Decision (ROD) identifying the Selected Alternative for the entire corridor. SIU 13 would involve construction of approximately 110 miles of four-lane, divided, fully controlled access highway on new location passing through the counties of Ouachita, Union, Calhoun, Drew, and Desha. An approximate 17-mile long segment of the Selected Alternative was designated as Job 020678. This project was programmed in the 2016-2020 Statewide Transportation Improvement Program, initiating additional roadway surveying and design activities. It is one of five other ARDOT projects along the future I-69 corridor in various phases of development ranging from construction completed to awaiting further programming.

Land use along the Job 020678 alignment is primarily agricultural. Agricultural activities, primarily forestry, dominate the western portion of the alignment while row crop agriculture dominates the eastern portion. There are also some scattered livestock and poultry operations. Livestock operations are primarily small ranch operations with relatively small acreages. The area is very rural with approximately 73 residences located within one mile of the selected route. There are numerous stream and wetlands along the alignment. ArDOT attempted to avoid and minimize impacts to waters within the proposed I-69 corridor, however, shifting the alignment to the north or south within the defined corridor boundary generally resulted in a minor reduction in overall impacts. Or, shifting the alignment was generally a choice between wetland versus

streams impacts. An attempt was made to cross the waters perpendicularly while maintaining design standards in order to minimize impacts. During construction, erosion control best management practices such as silt fences will be utilized to minimize sedimentation entering streams and adjacent wetlands. ArDOT proposes to mitigate for the unavoidable wetland and stream impacts primarily through two permittee-responsible areas located on the Lower Saline River and Little Bayou DeLoutre. Additional wetland credits will be provided from an approved mitigation bank that services the area. The Lower Saline River site is 248.8 acres in size and the Little Bayou DeLoutre site is 162.9 acres. Both sites were purchased in 2012, in anticipation of the need for mitigation for the I-69 project. Both sites were recently timbered and credits would be generated primarily by revegetating (enhancing) the wetlands and riparian areas adjacent to streams with bottomland hardwood species.

The location and general plan for the proposed work are shown on the enclosed sheets 1 through 33 of 33.

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

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 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.

Endangered Species. ArDOT determined that the project would have no effect on the following species: Eastern Black Rail (*Laterallus jamaicensis ssp. jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Red-cockaded Woodpecker (*Picoides borealis*), and Geocarpon (*Geocarpon minimum*). 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.

Floodplain. ArDOT determined that the project will impact approximately 216 acres of the 100-year 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 19, 2022**. 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.

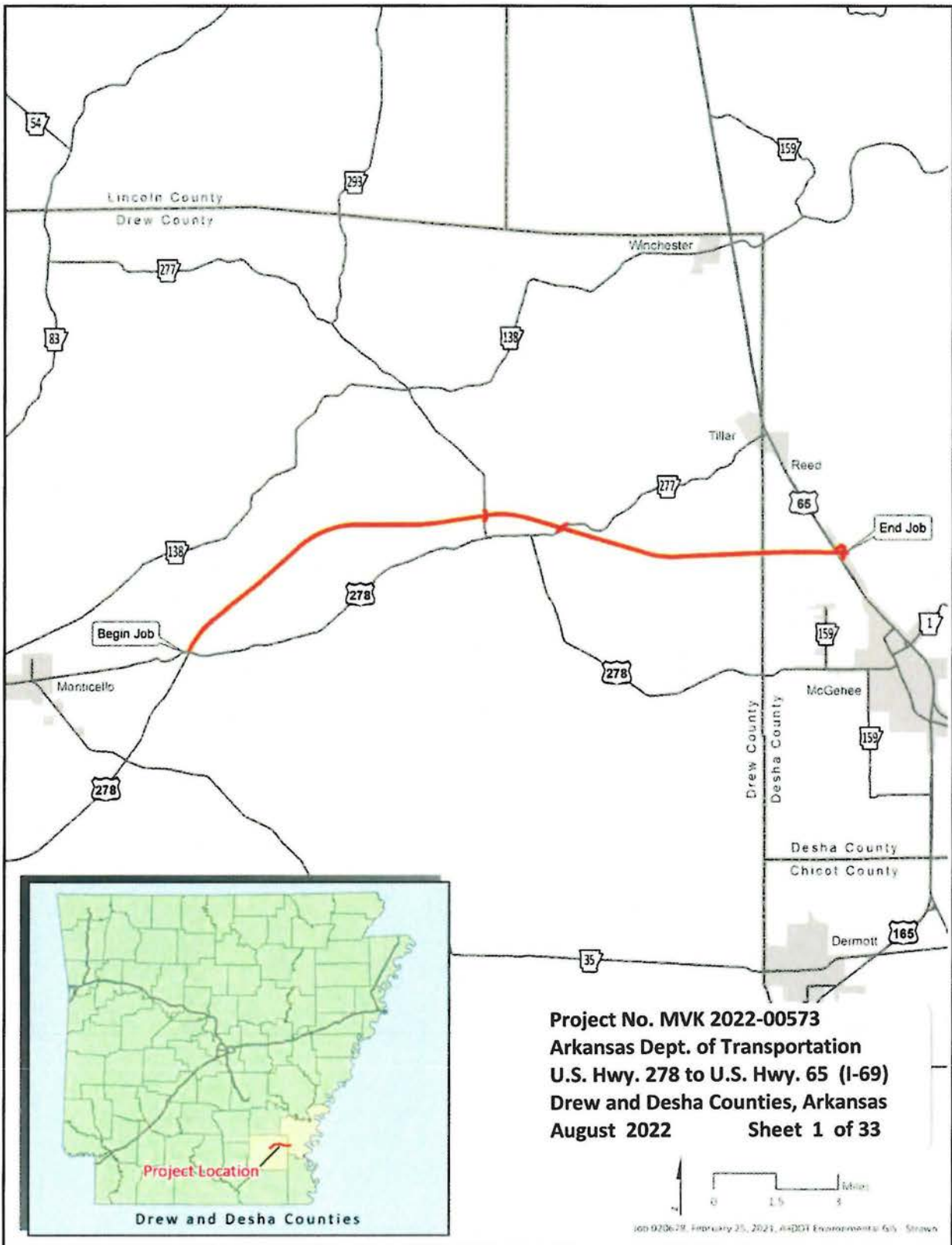
Enclosures

Approximate Coordinates of Project Center

Latitude: 33.681452 Longitude: -91.603404

UTM Zone: **15N** North: 3727711 East: 629457

**Figure 1. Proposed Alternative Location**

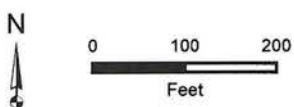
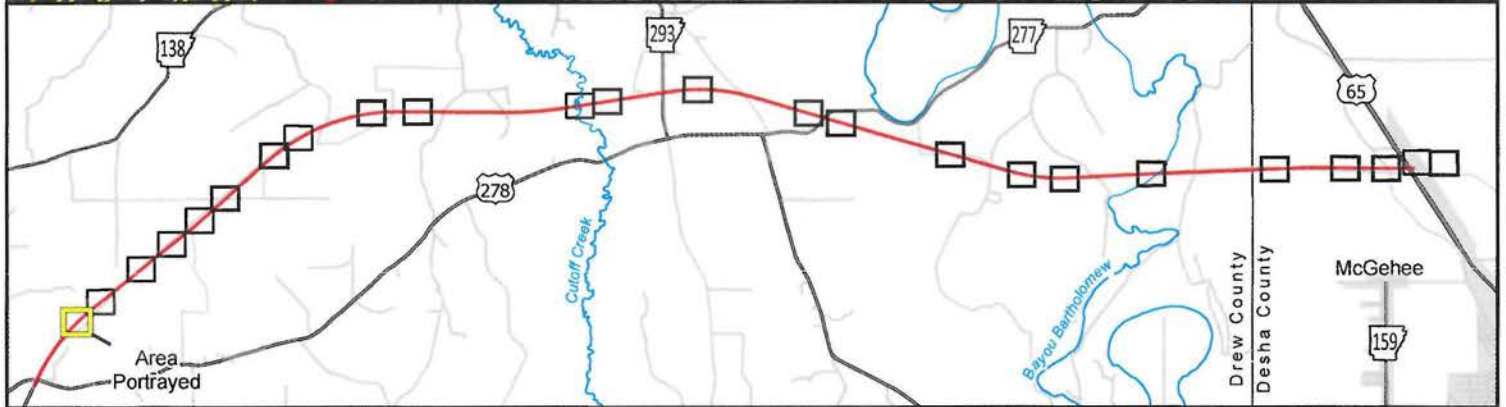
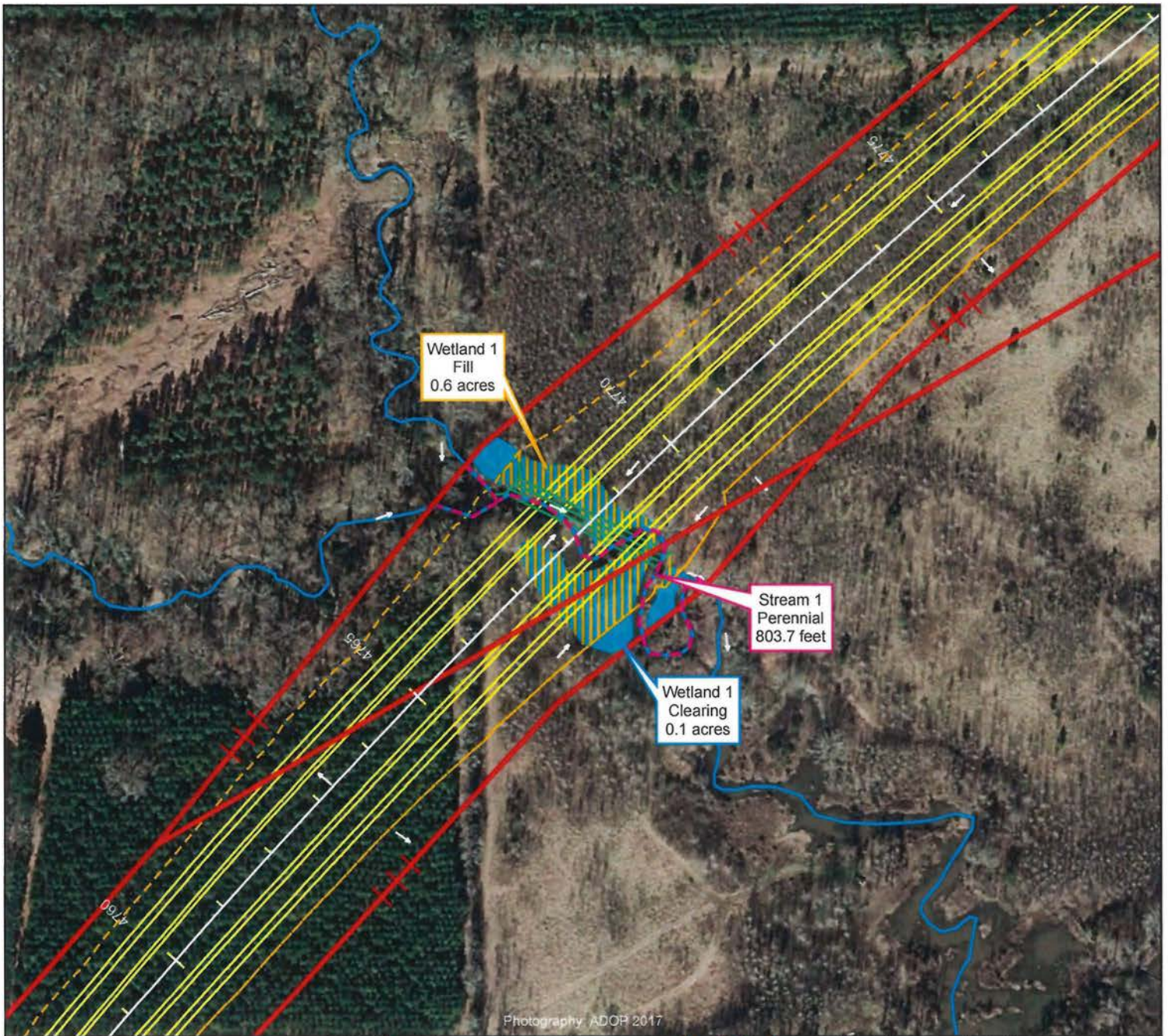




Job 020678  
 Highway 278 to Highway 65  
 (Interstate 69)  
 Drew & Desha Counties



— Project Location  
 Preliminary  
 Subject to Revision

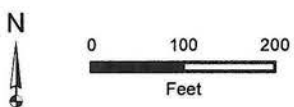
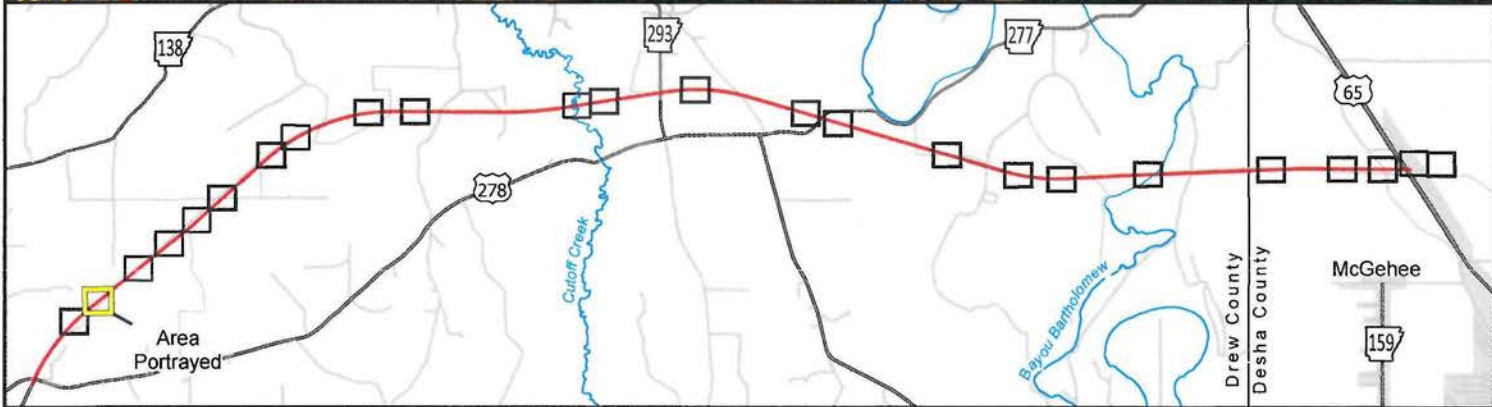
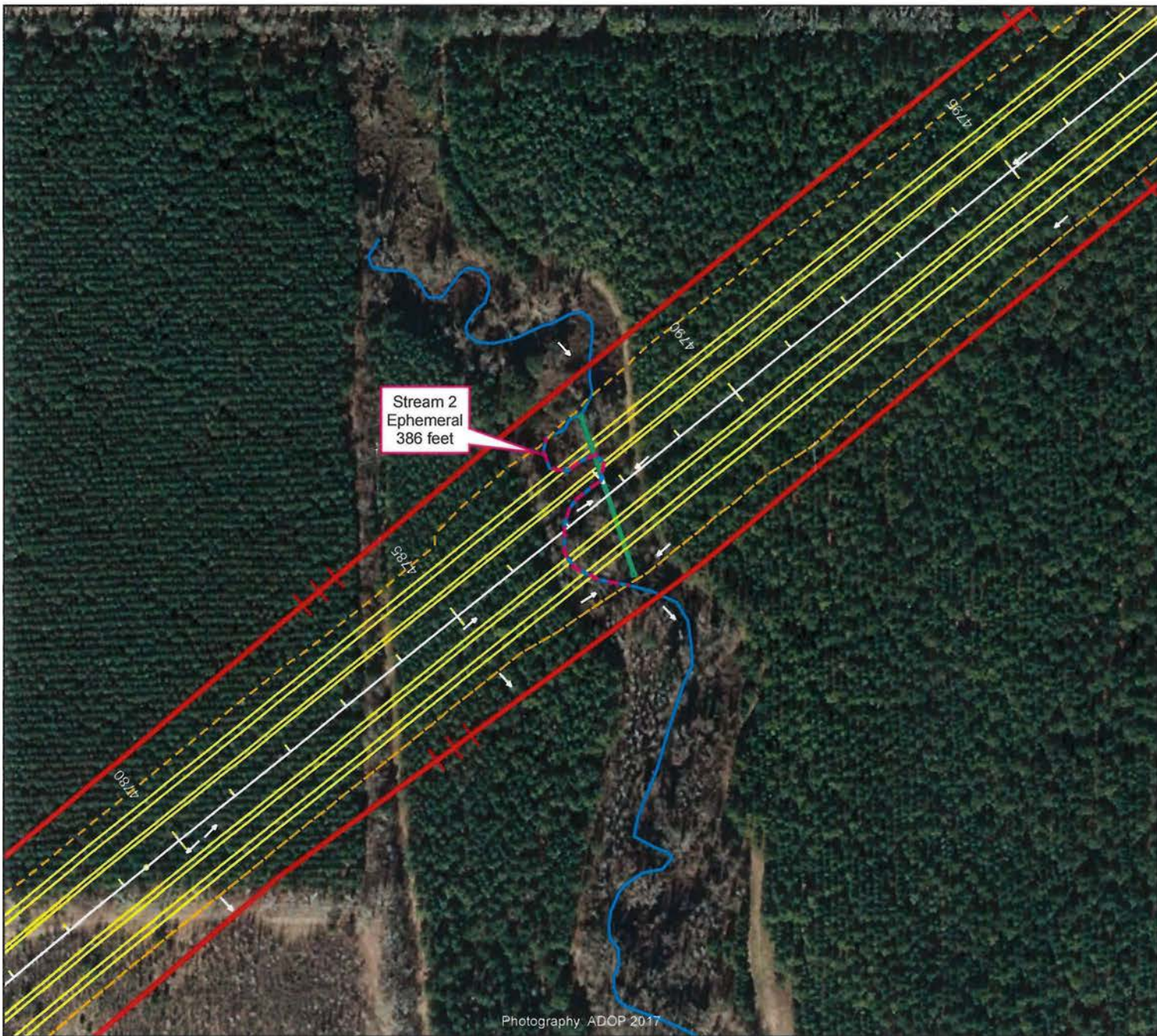


Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 1 of 24

- Stream Impact
- Clearing
- Fill
- Proposed Right of Way
- Proposed Construction Limits
- Proposed Culvert





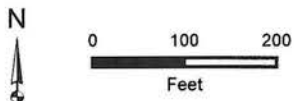
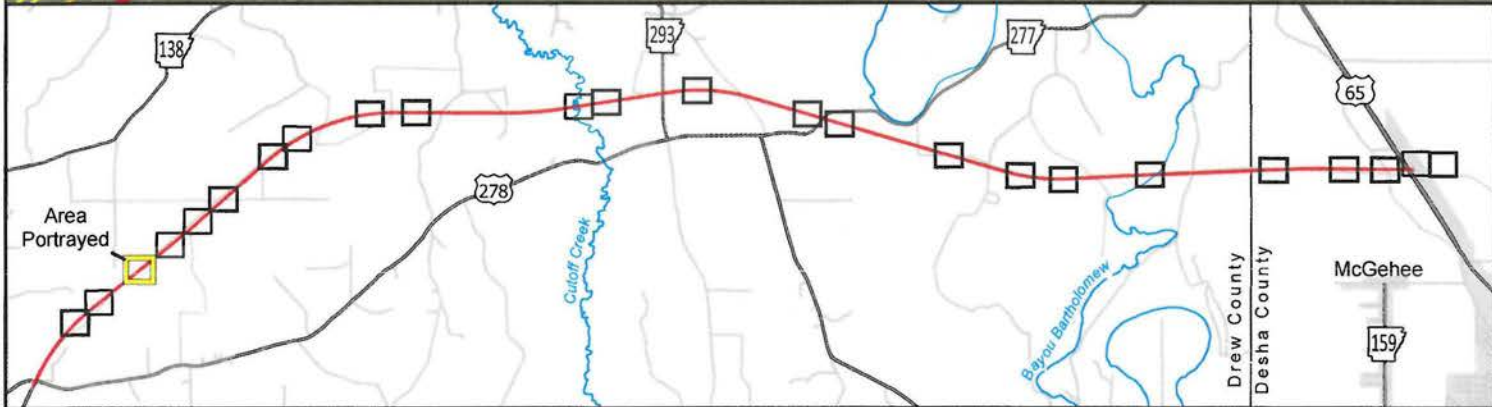
Wetland and Stream Impacts  
Page 2 of 24

- Stream Impact
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Job 020678  
ARDOT - Environmental GIS - Strawn  
January 20, 2022



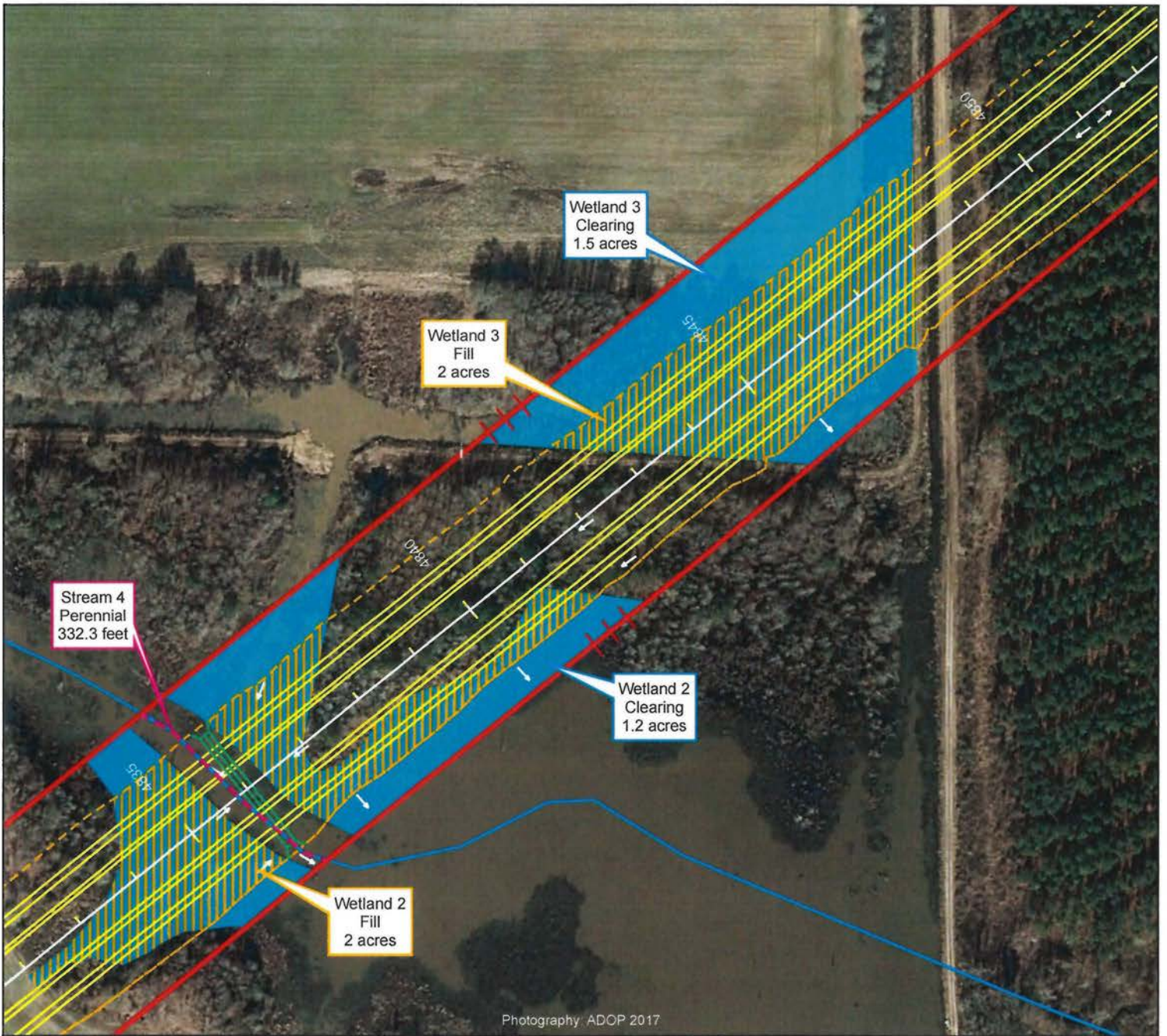
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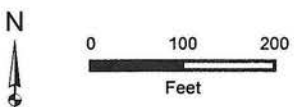
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 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 3 of 24

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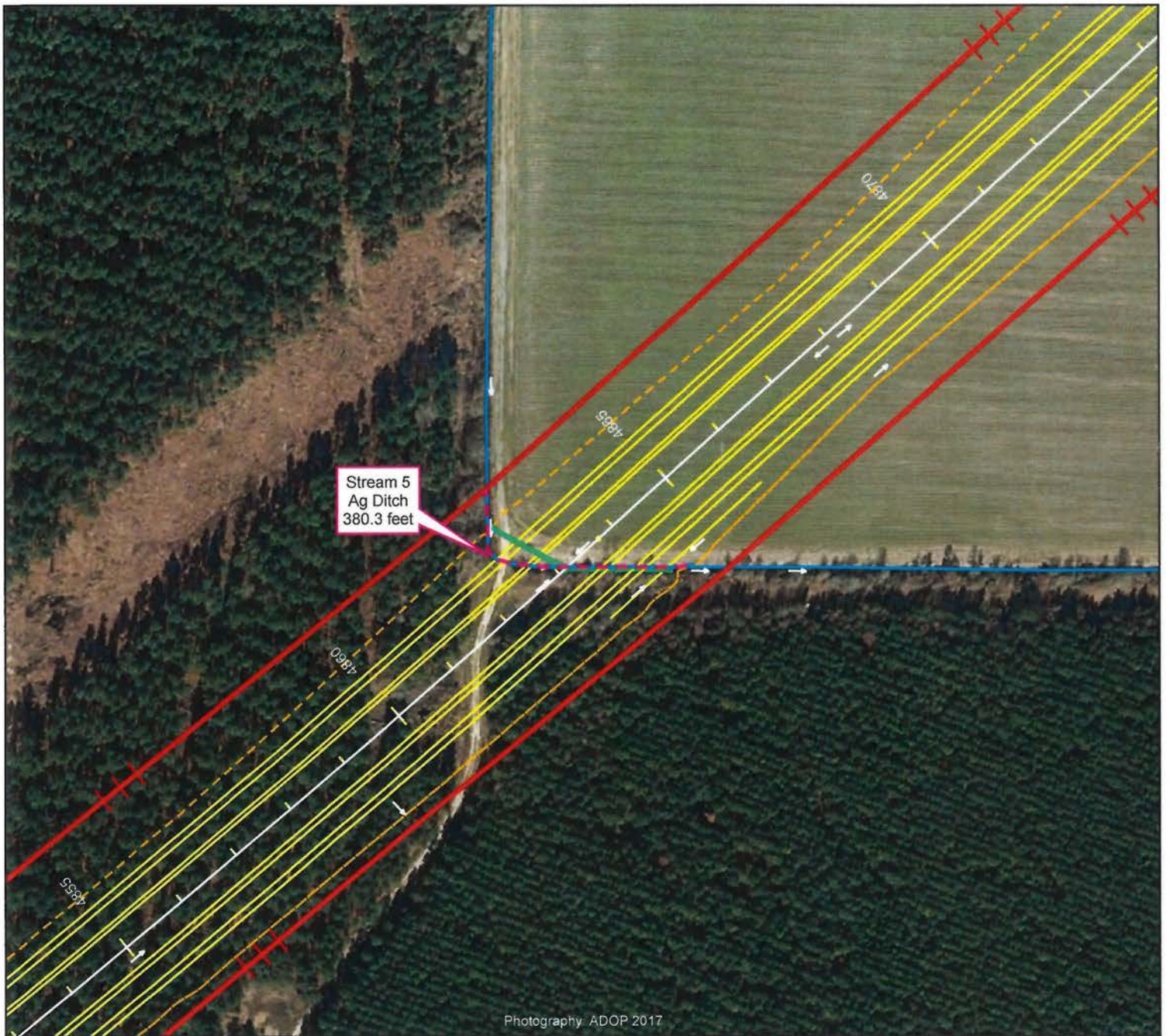
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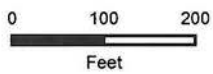
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 January 20, 2022

Wetland and Stream Impacts  
 Page 4 of 24

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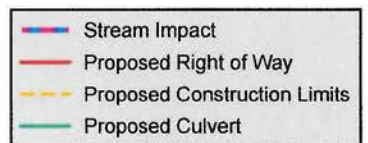


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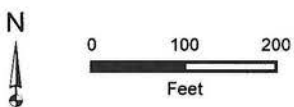
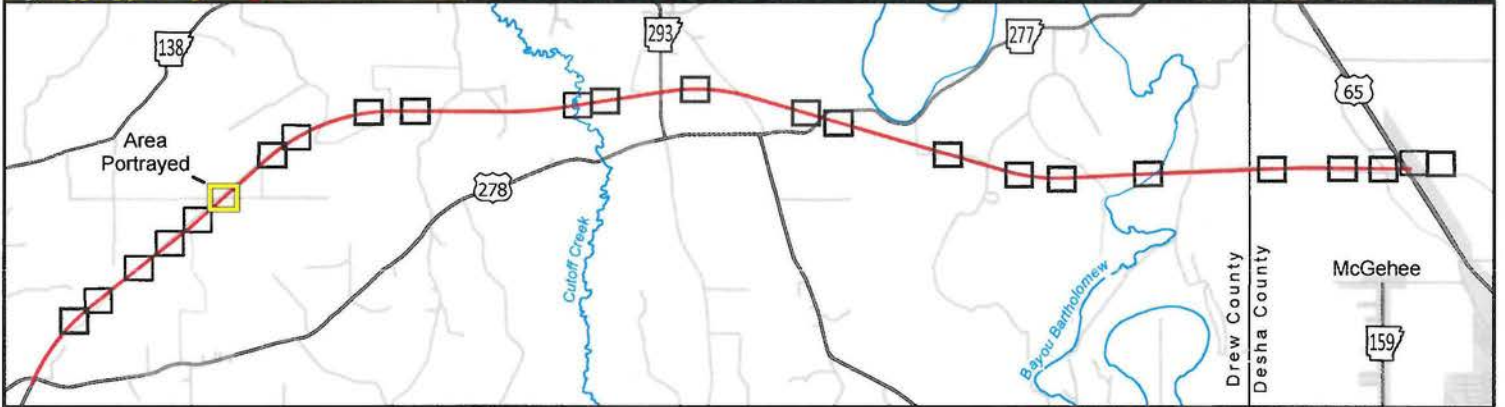
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 January 20, 2022

Wetland and Stream Impacts  
 Page 5 of 24





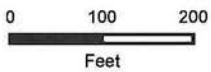
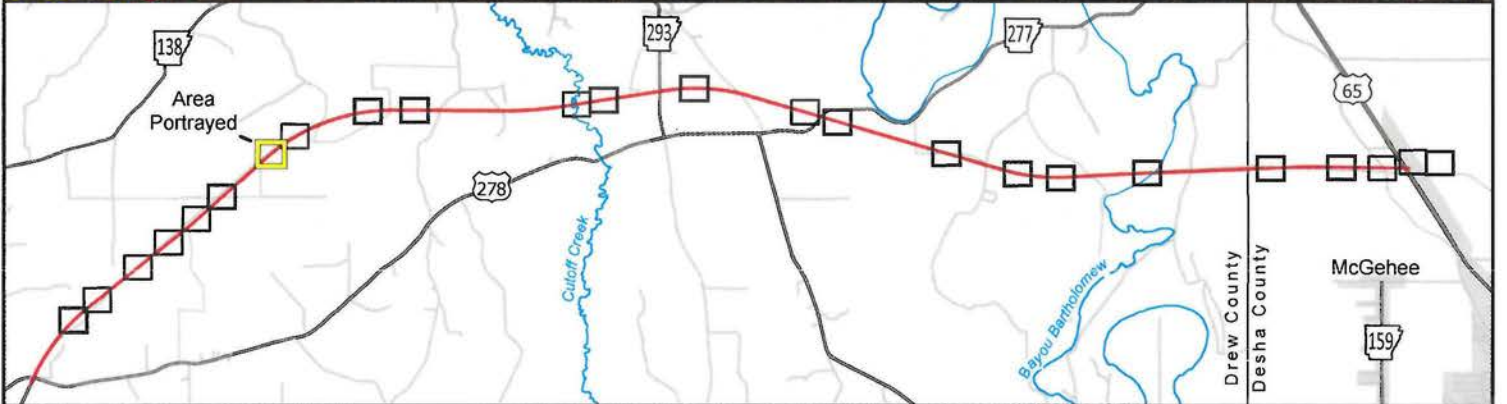
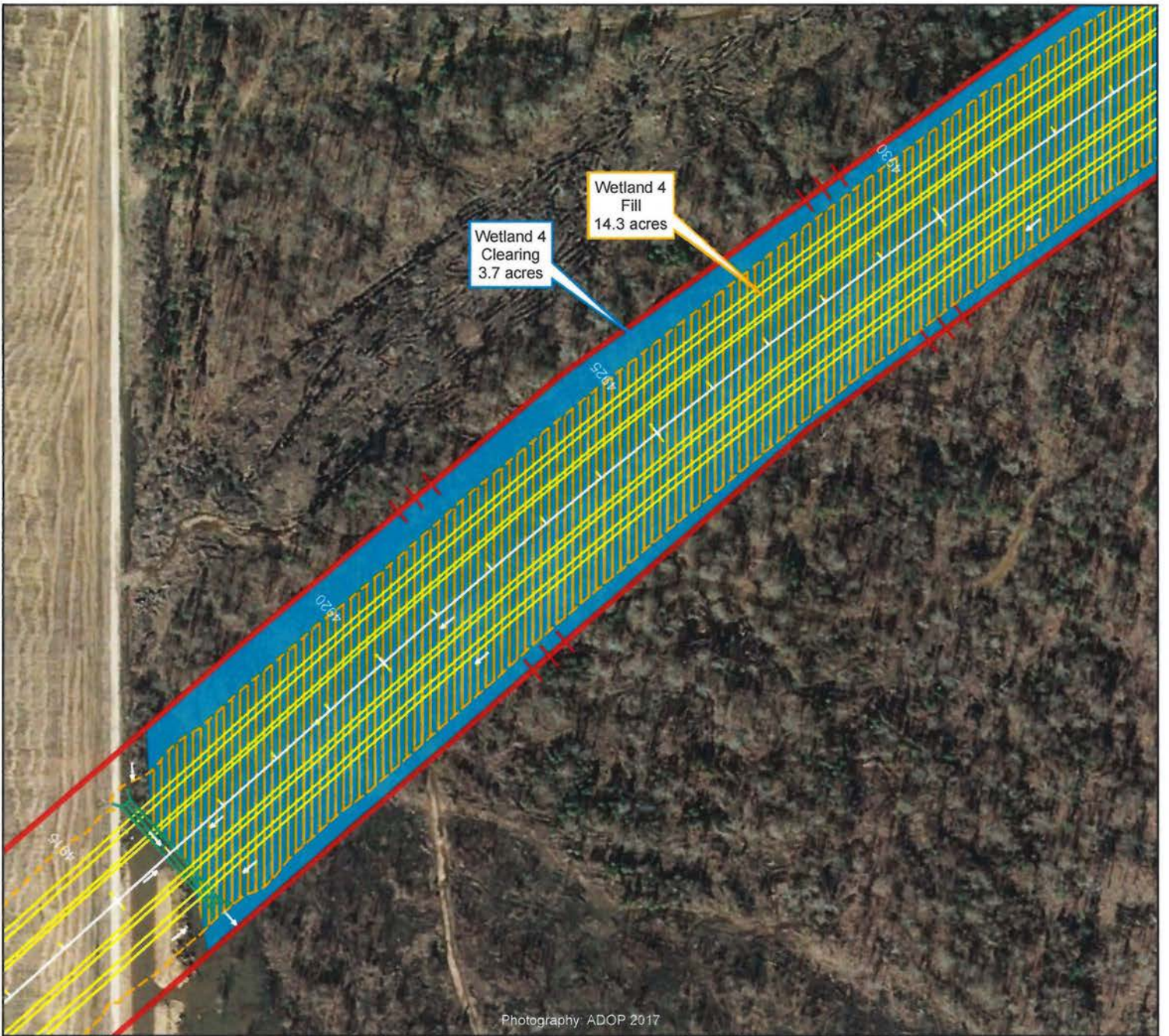
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Job 020678  
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 January 20, 2022

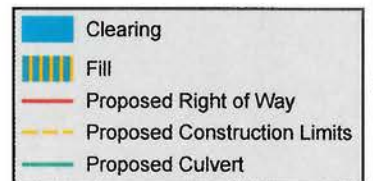
Wetland and Stream Impacts  
 Page 6 of 24

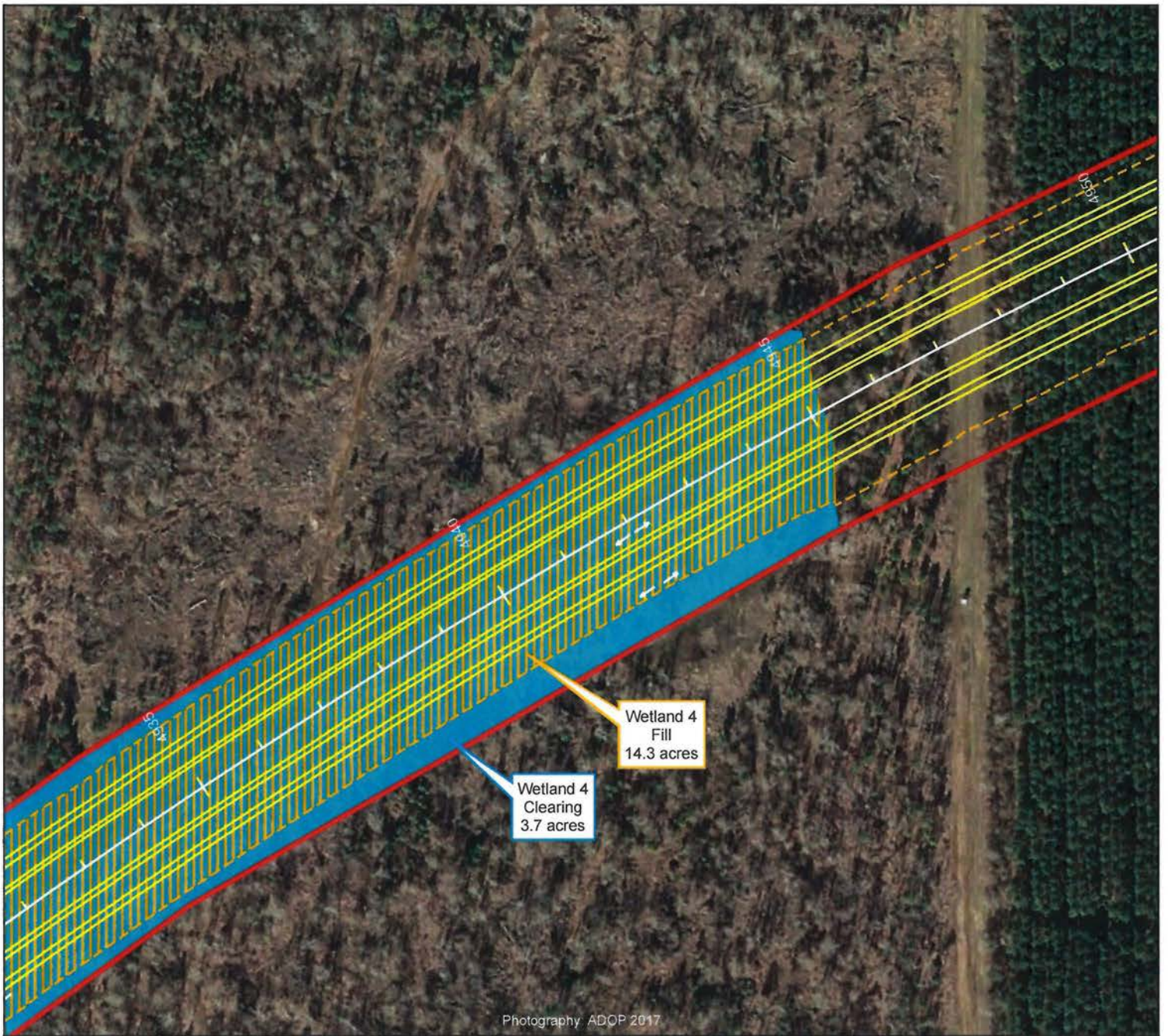
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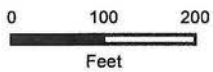
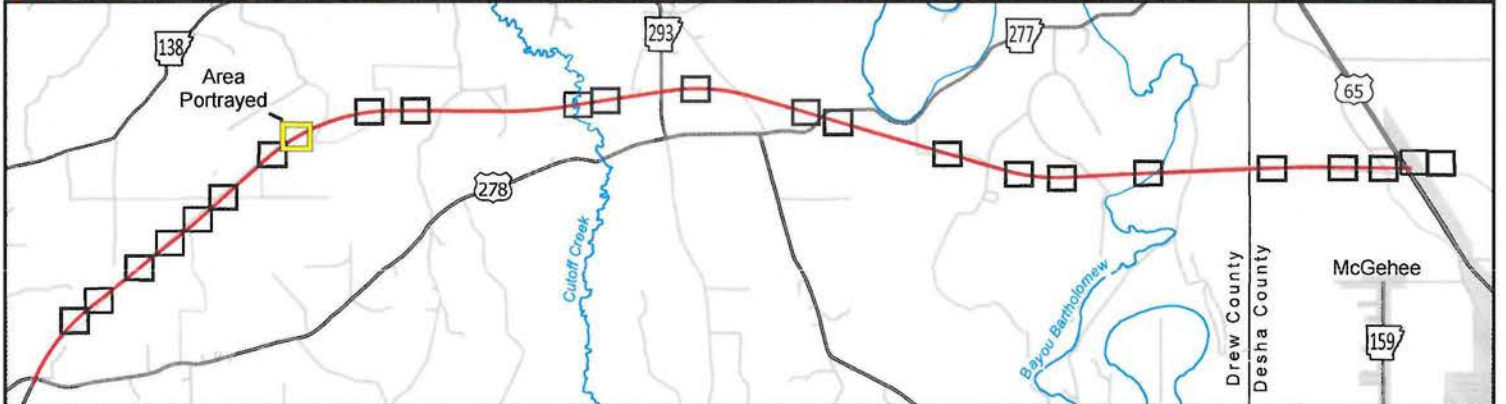
Job 020678  
ARDOT - Environmental GIS - Strawn  
January 20, 2022

Wetland and Stream Impacts  
Page 7 of 24



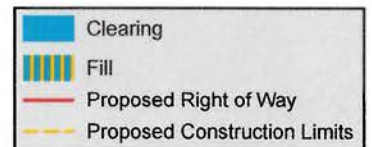


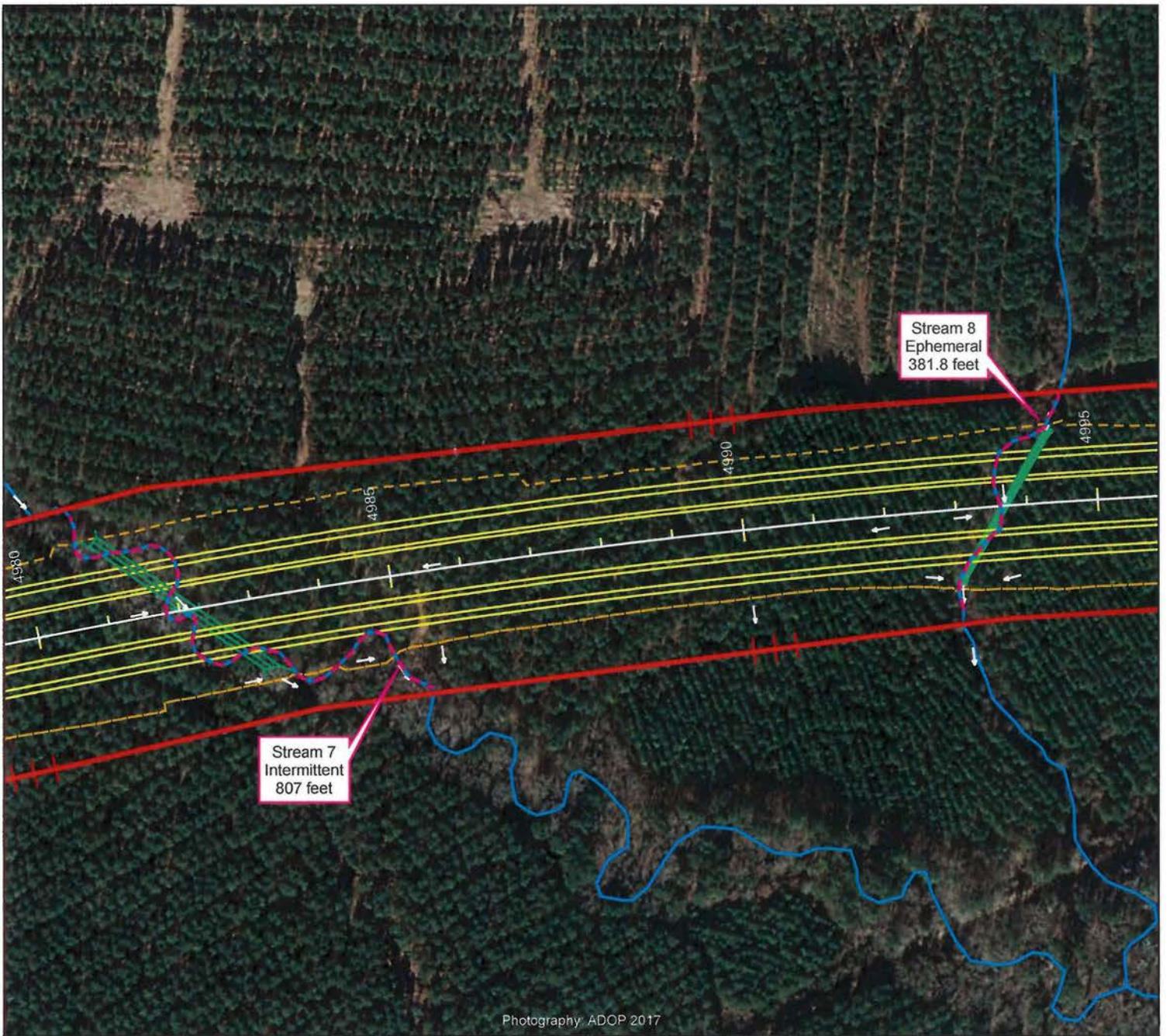
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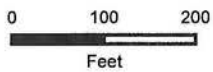
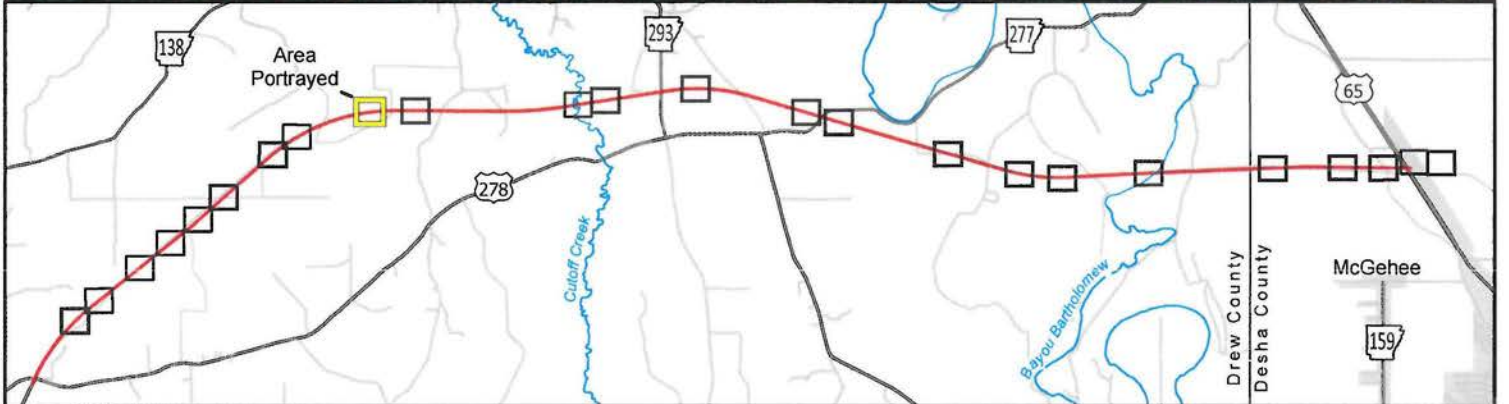
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 8 of 24



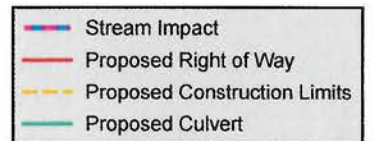


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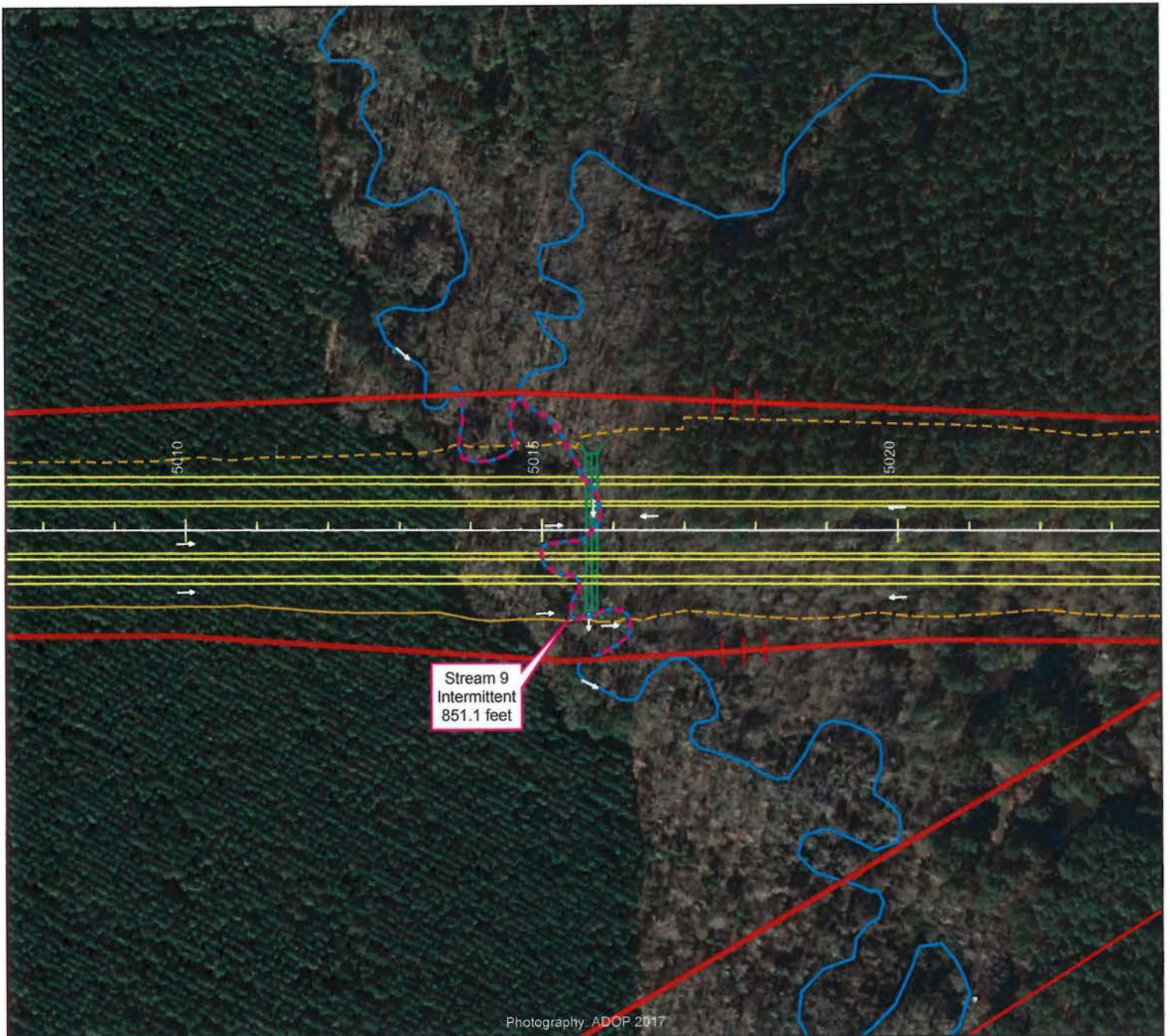


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 January 20, 2022

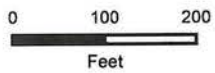
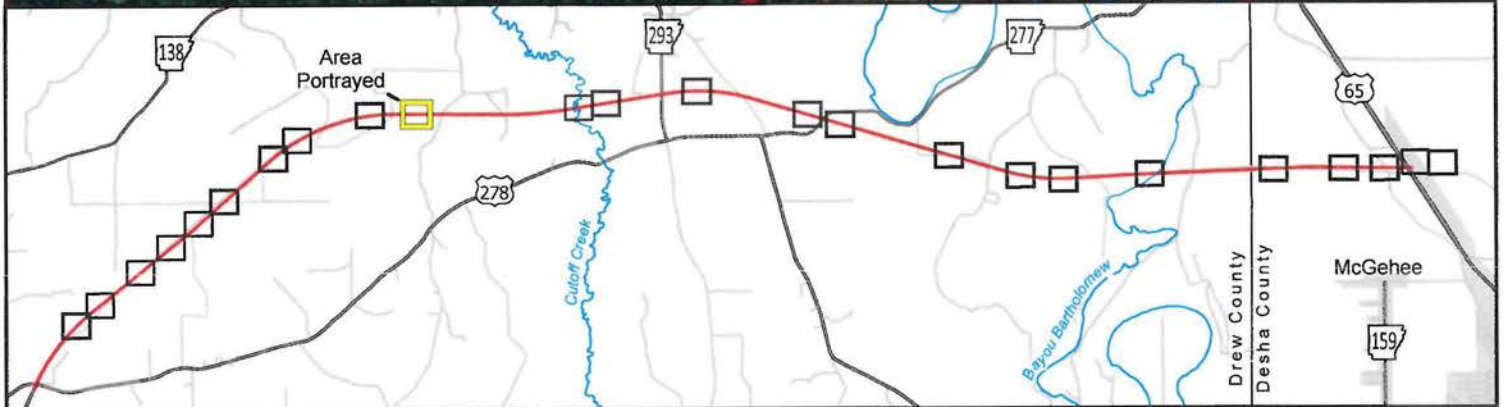
Wetland and Stream Impacts  
 Page 9 of 24







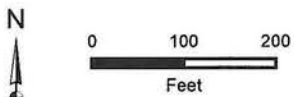
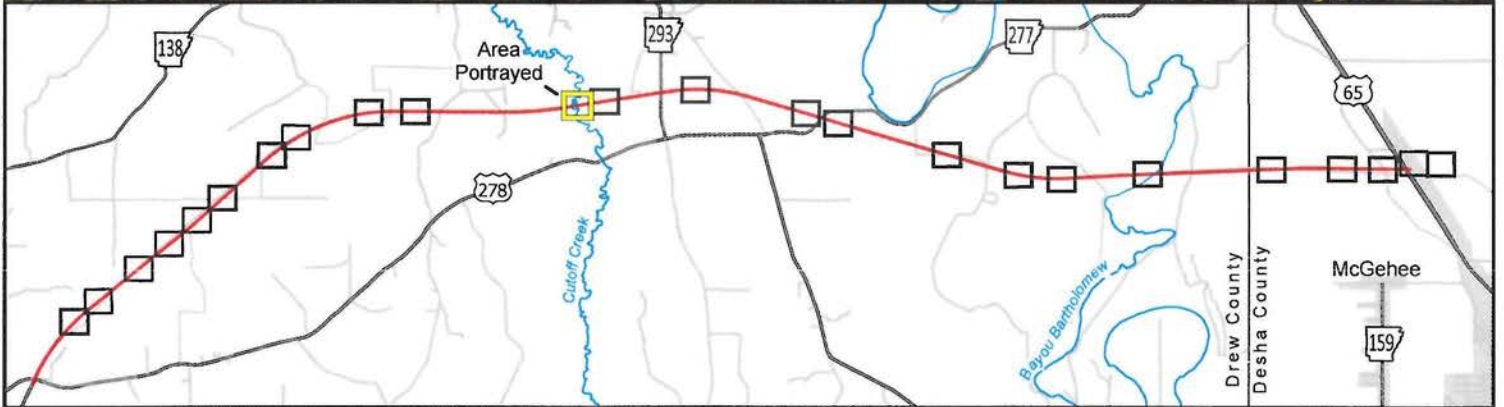
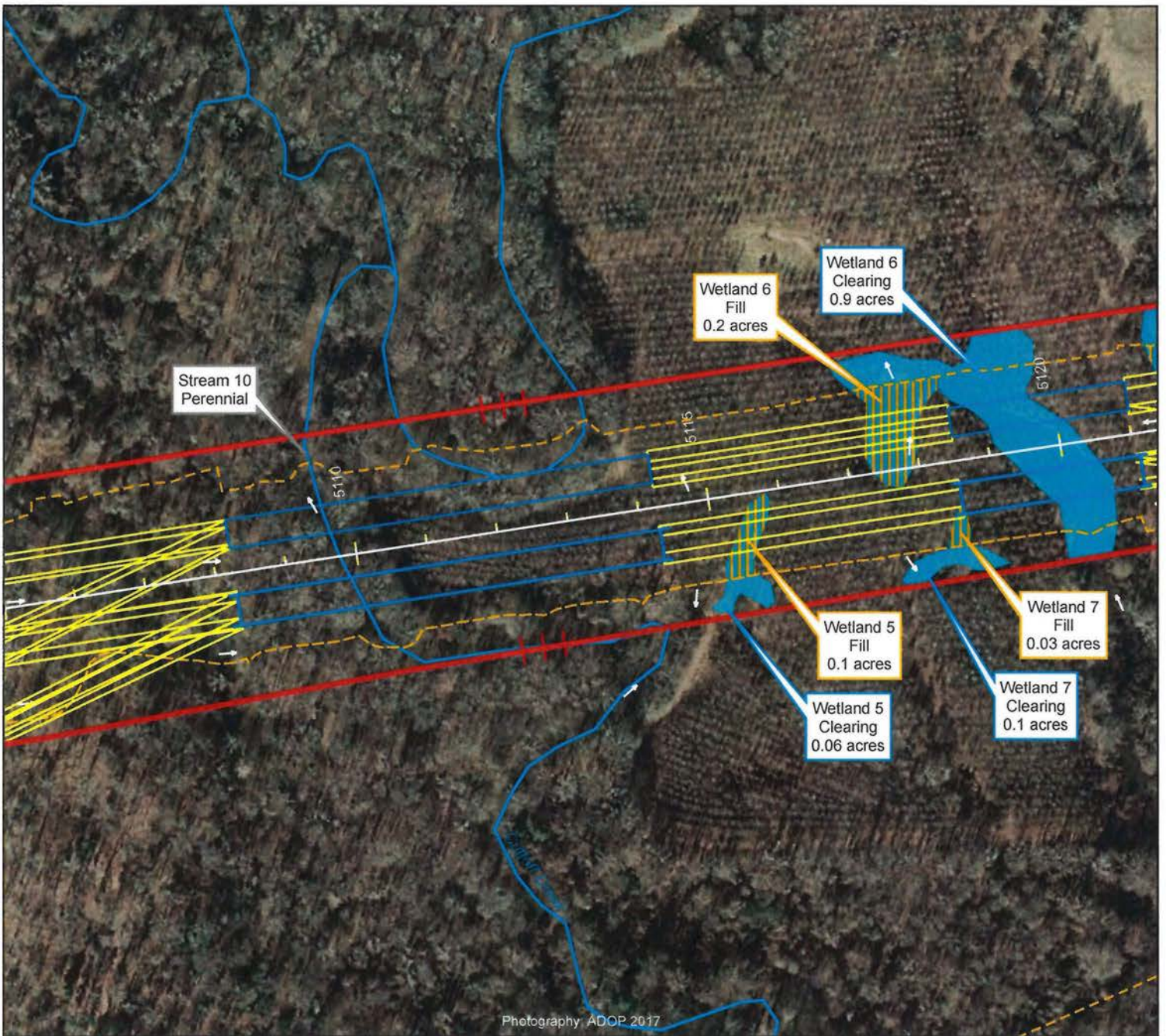
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 January 20, 2022

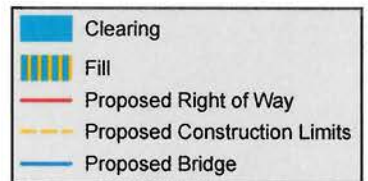
Wetland and Stream Impacts  
 Page 10 of 24

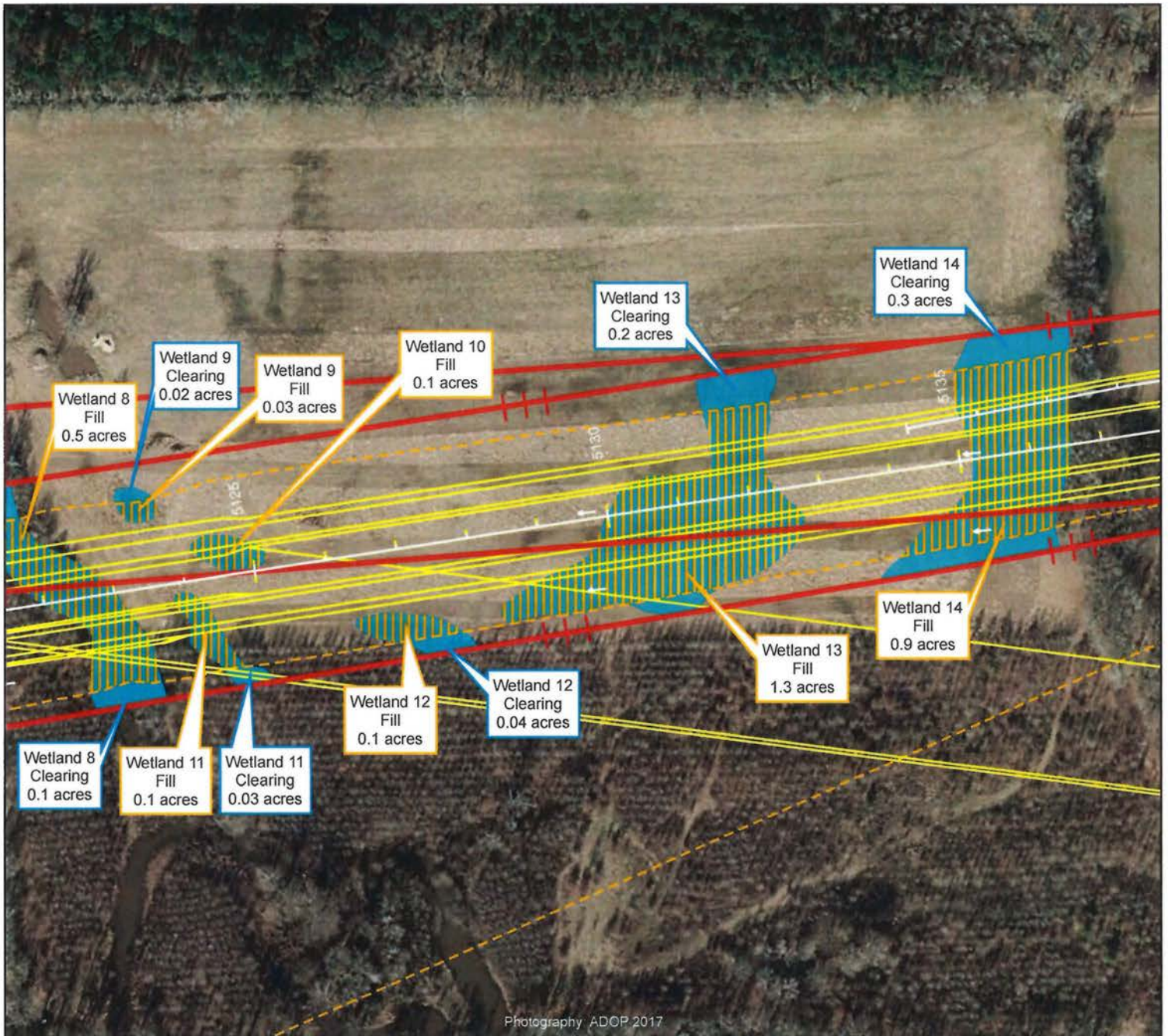
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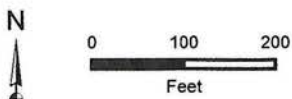
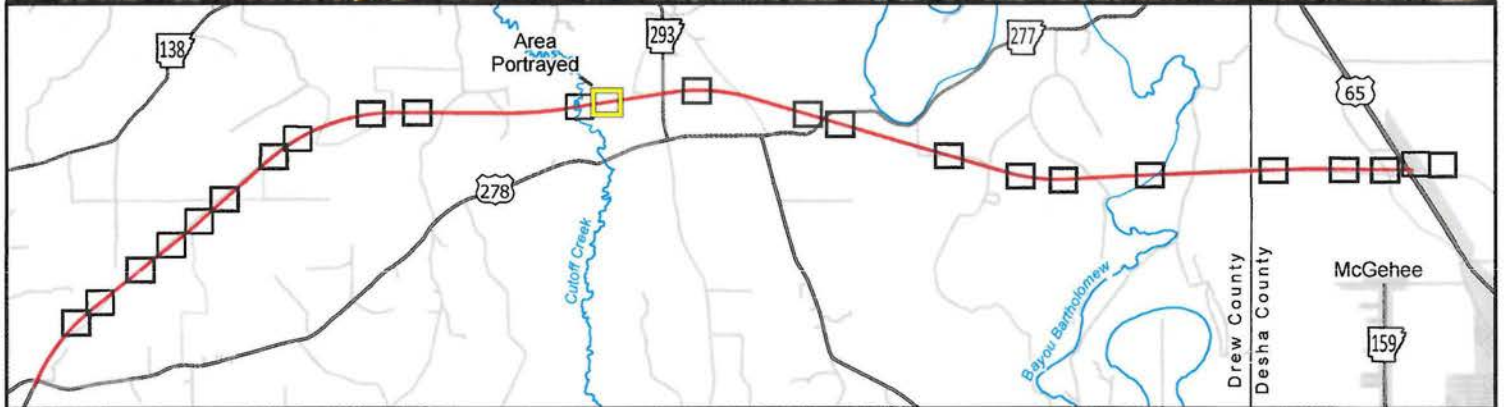
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 11 of 24



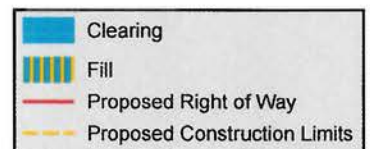


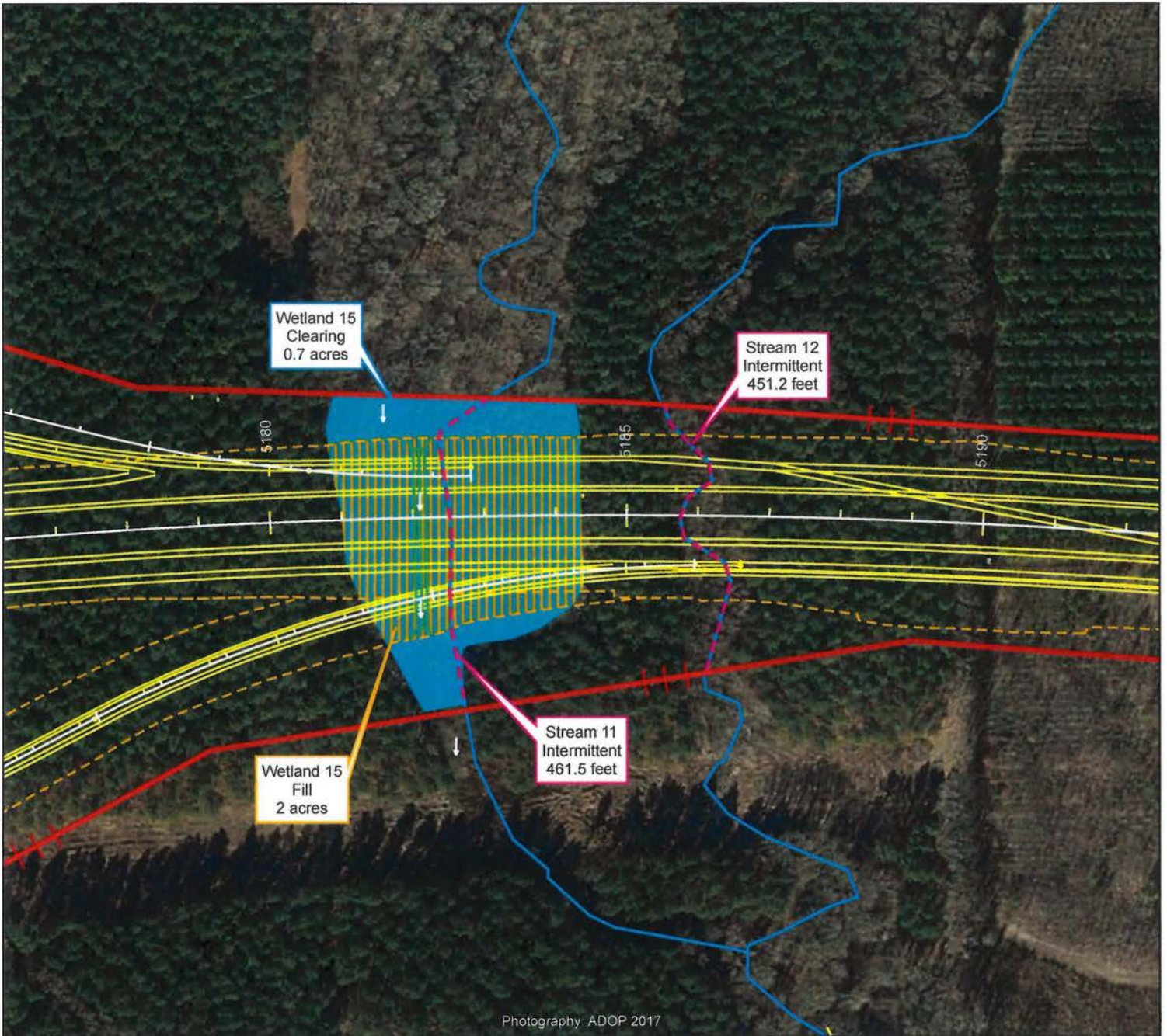
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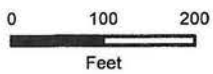
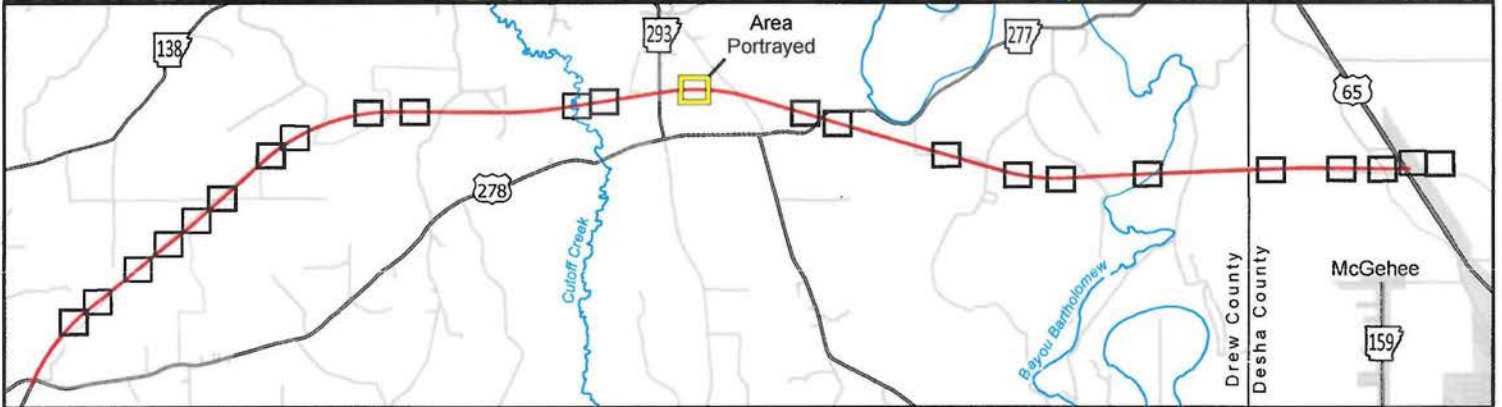
Job 020678  
ARDOT - Environmental GIS - Strawn  
January 20, 2022

Wetland and Stream Impacts  
Page 12 of 24



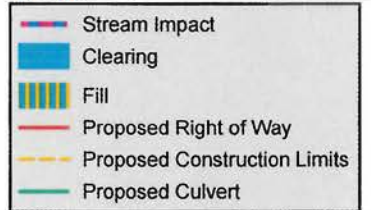


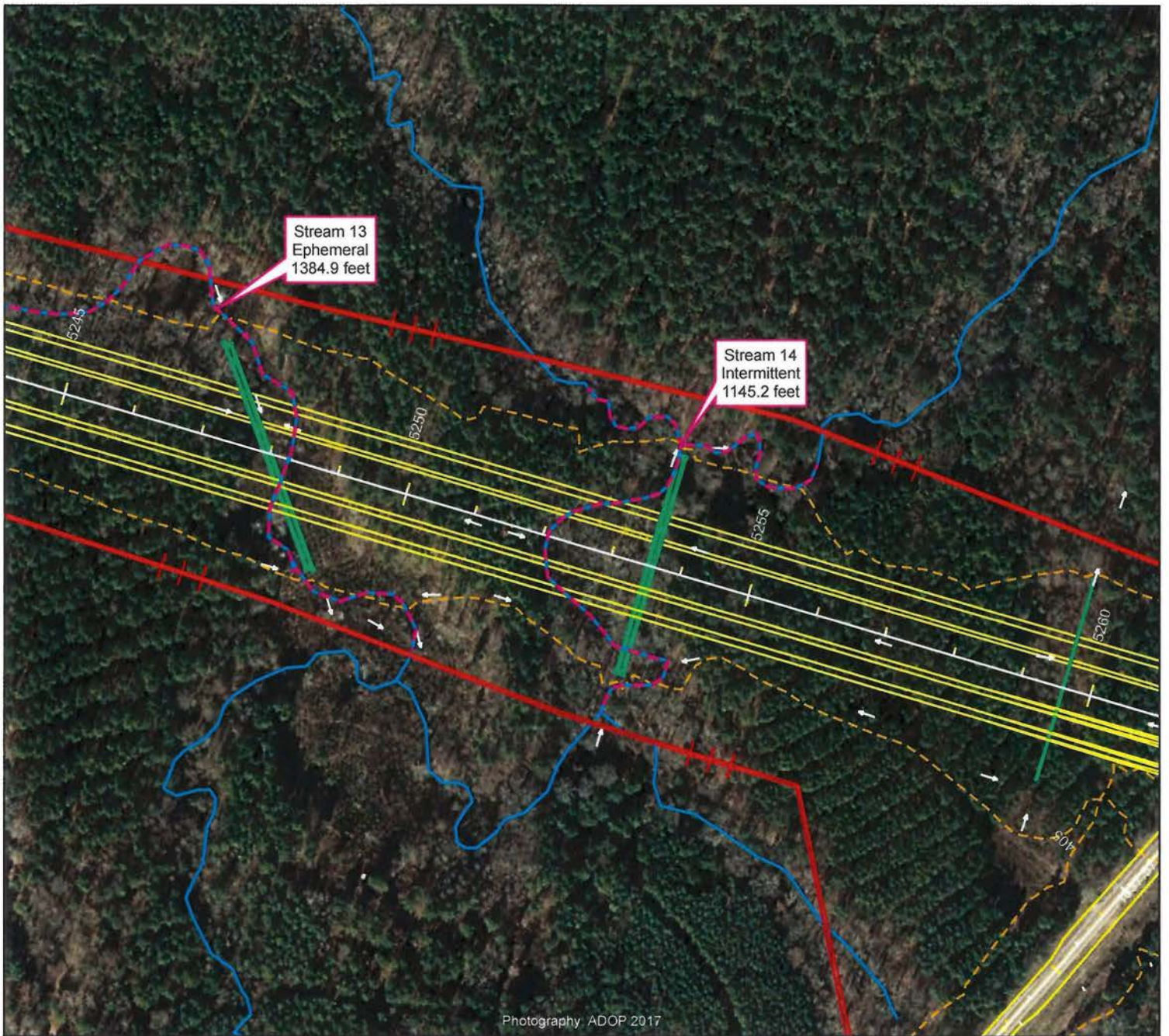
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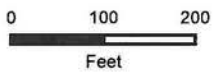
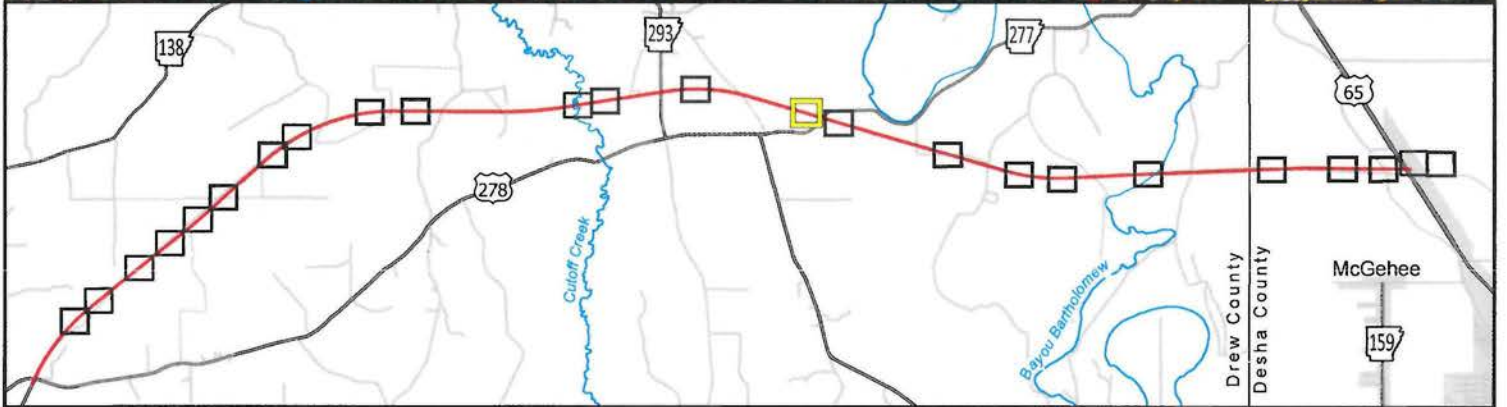
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 13 of 24



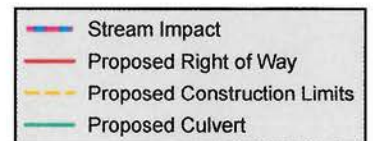


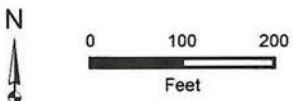
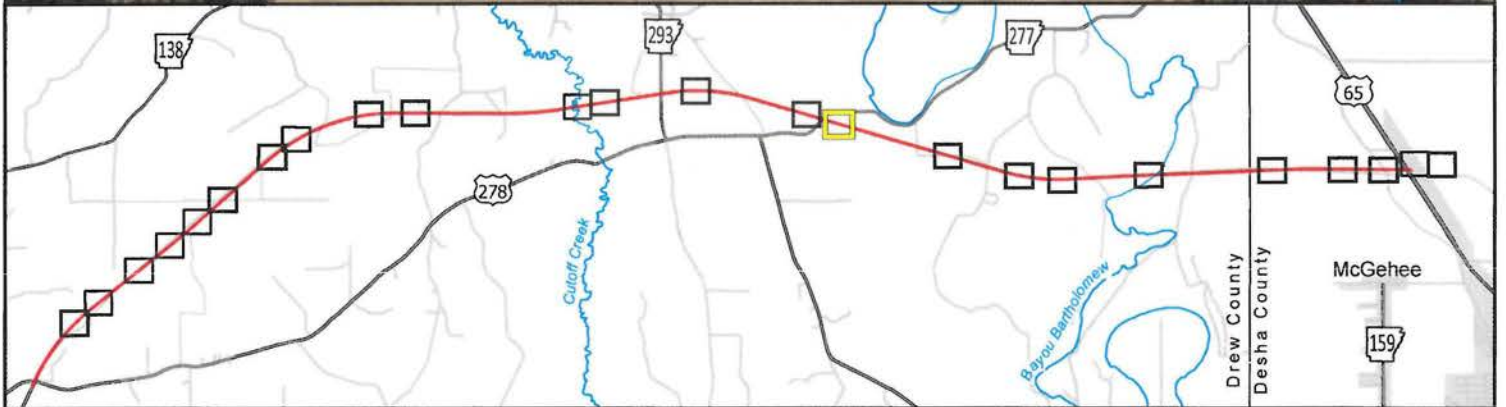
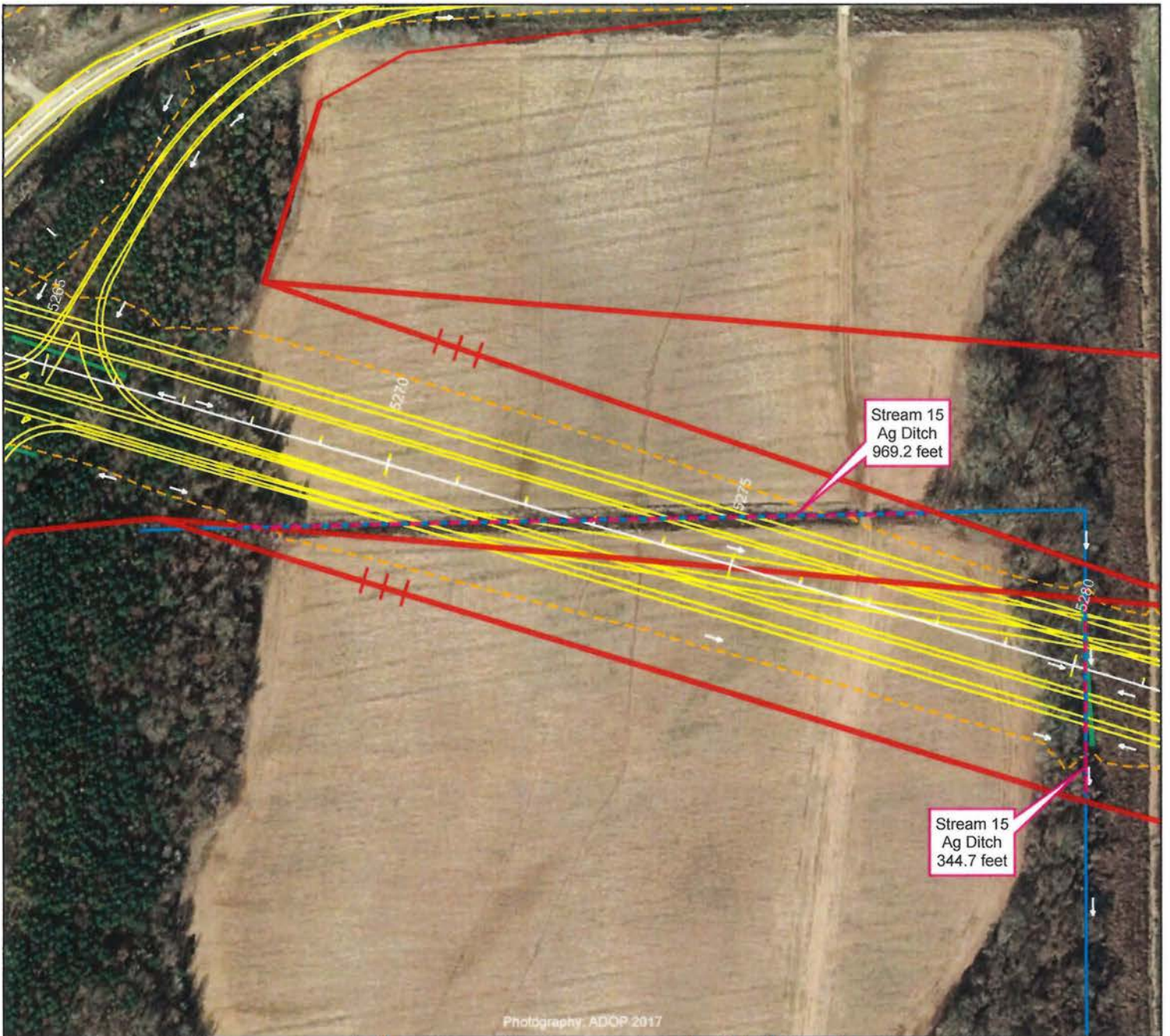
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Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 14 of 24

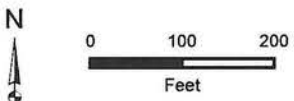
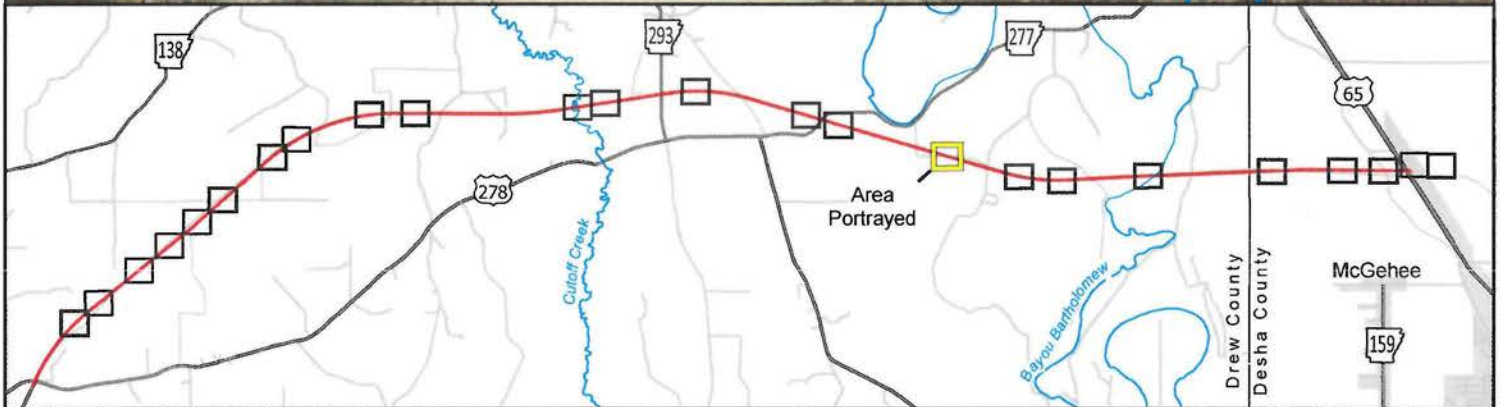




Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 15 of 24

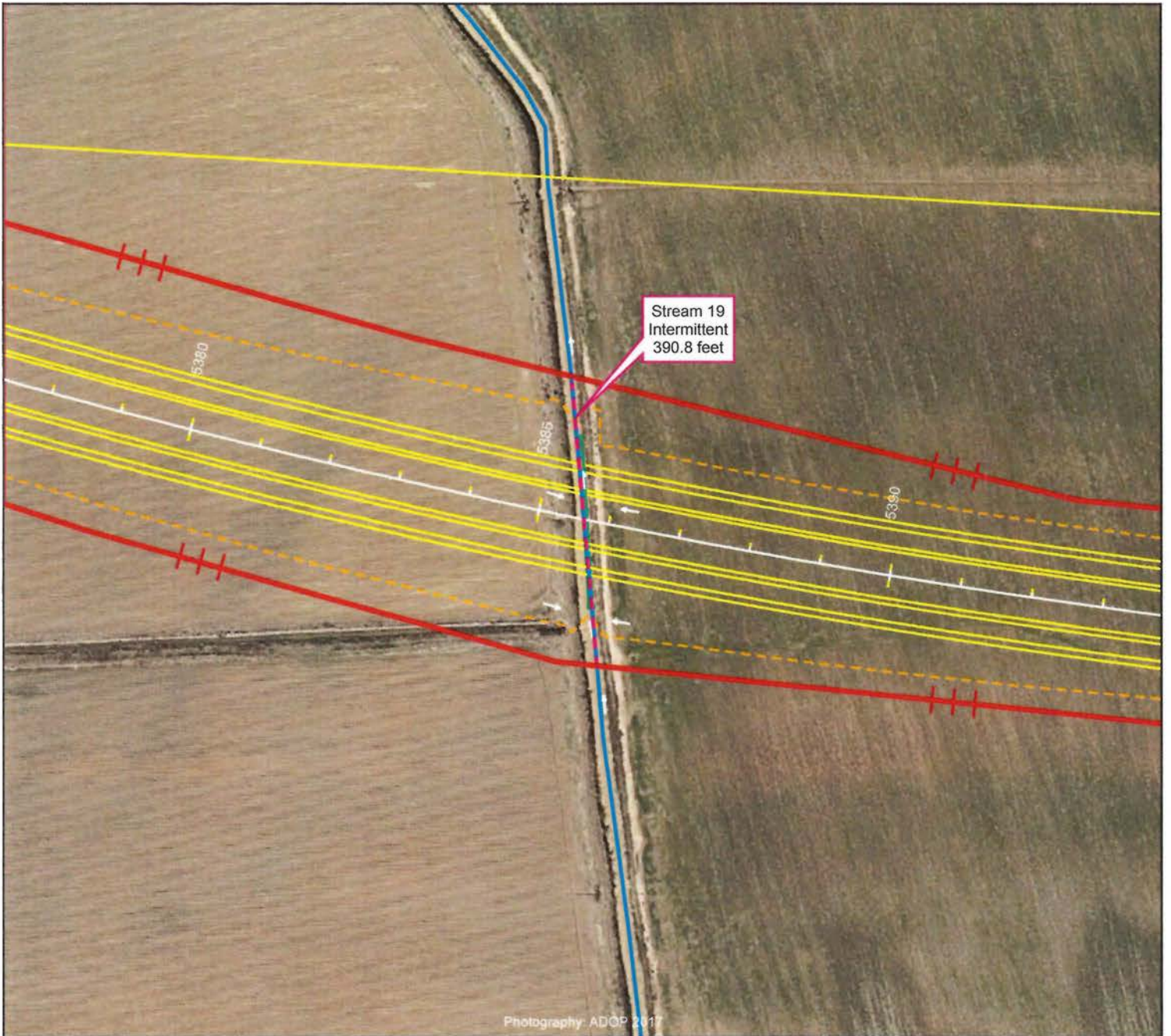
- Stream Impact
- Proposed Right of Way
- Proposed Construction Limits
- Proposed Culvert



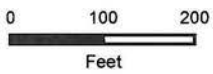
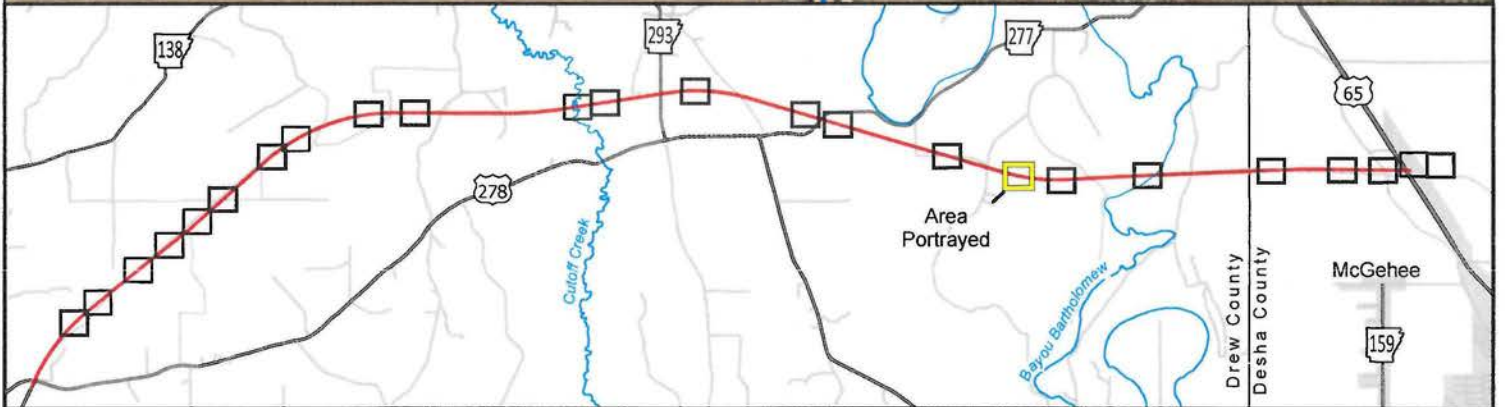
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 16 of 24

- Stream Impact
- Proposed Right of Way
- Proposed Construction Limits
- Proposed Culvert



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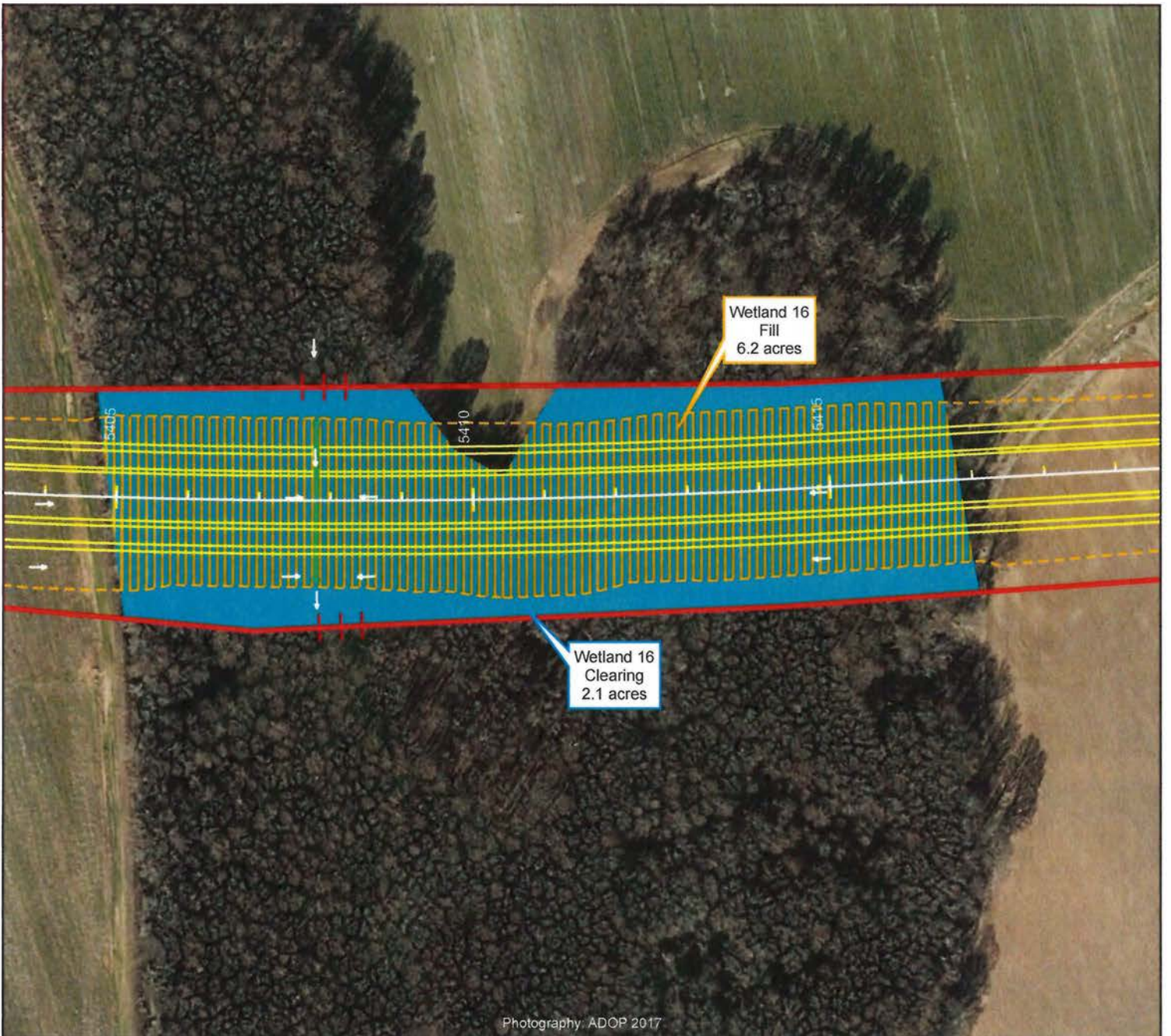


Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

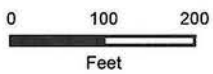
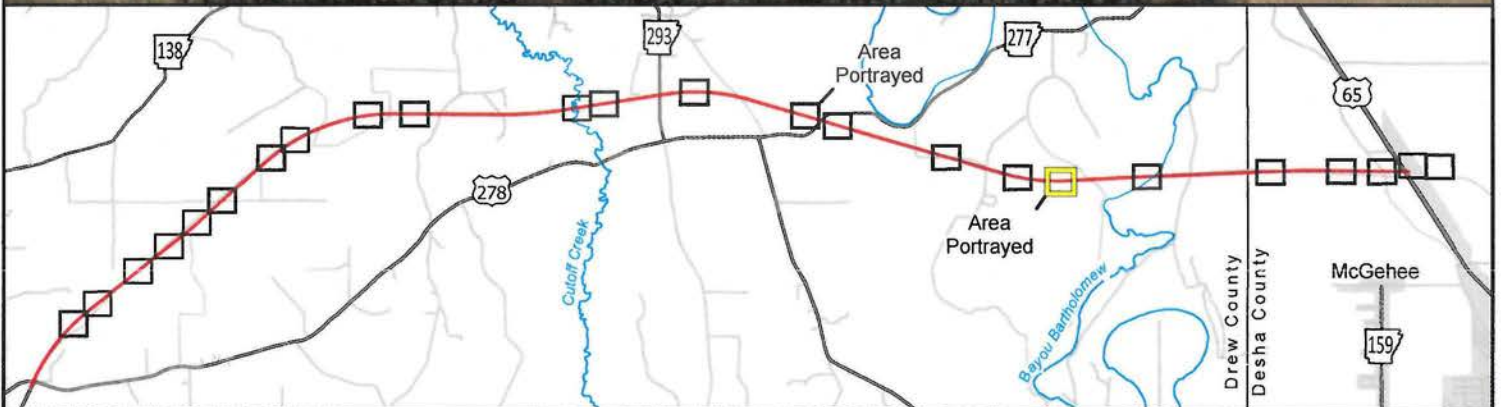
Wetland and Stream Impacts  
 Page 17 of 24

- Stream Impact
- Proposed Right of Way
- Proposed Construction Limits
- Proposed Culvert



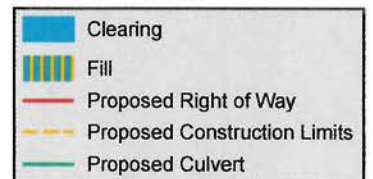


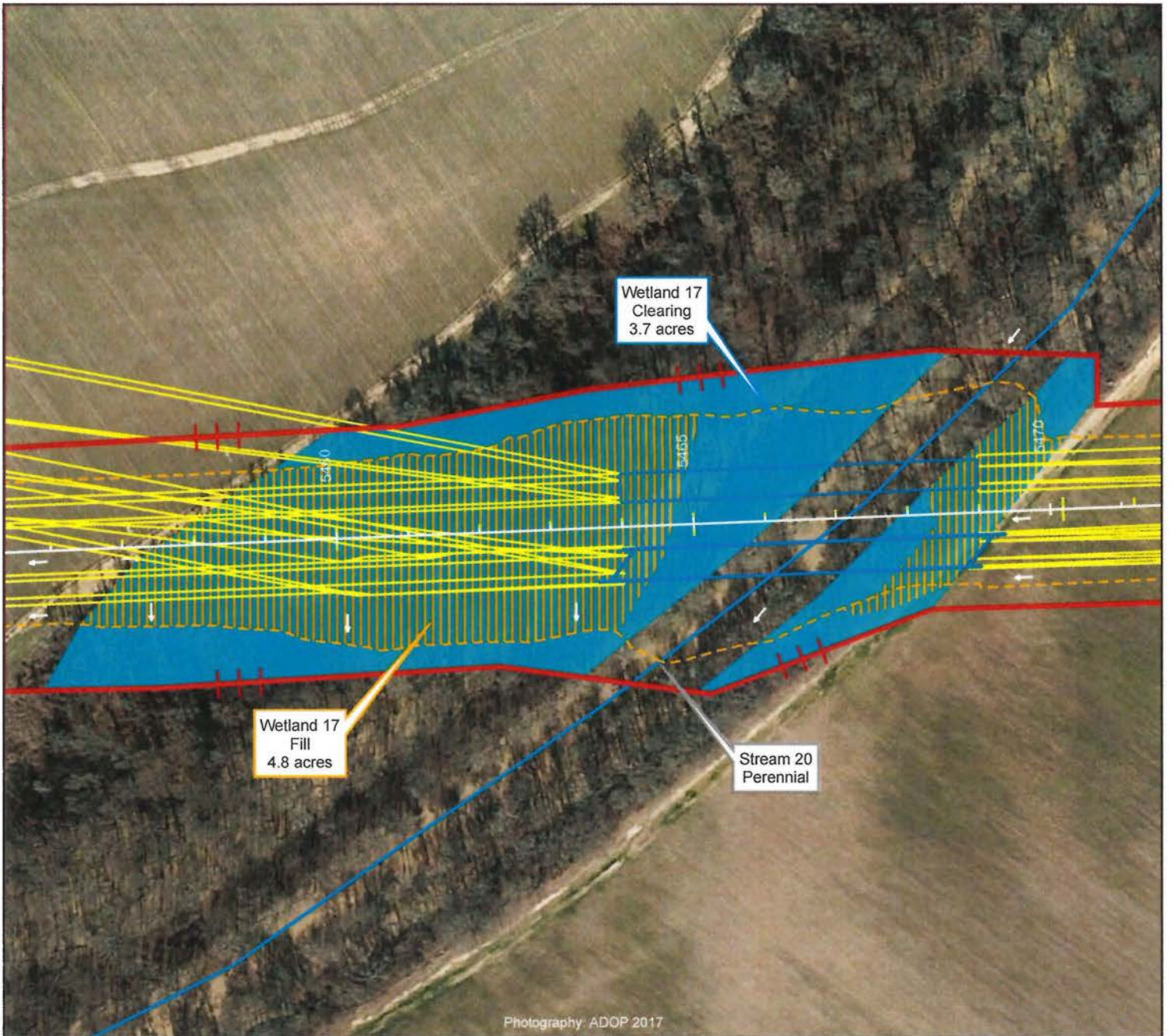
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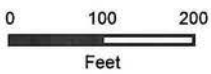
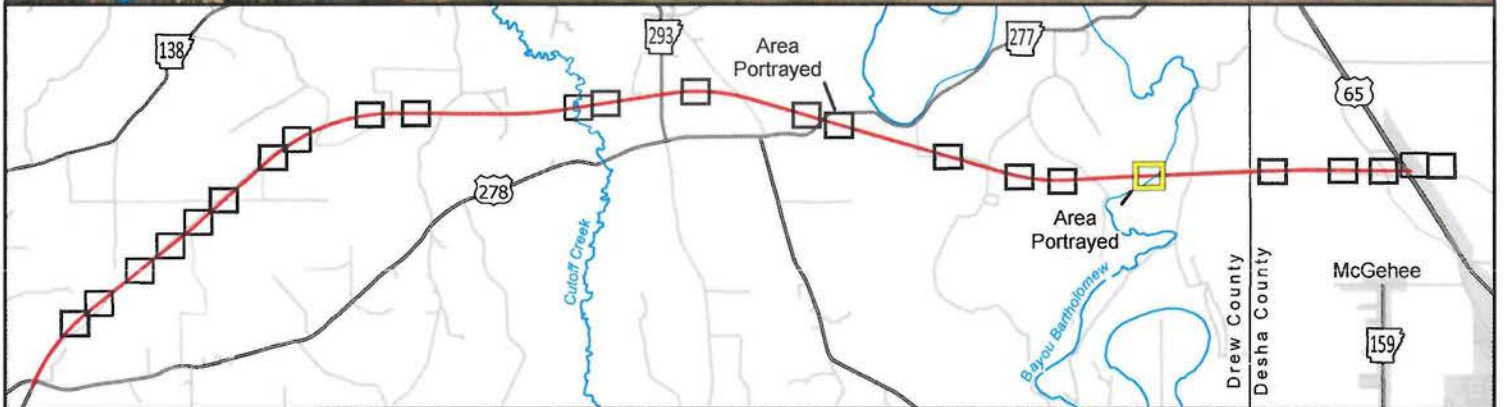
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 18 of 24



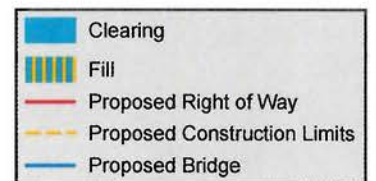


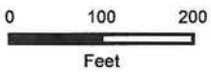
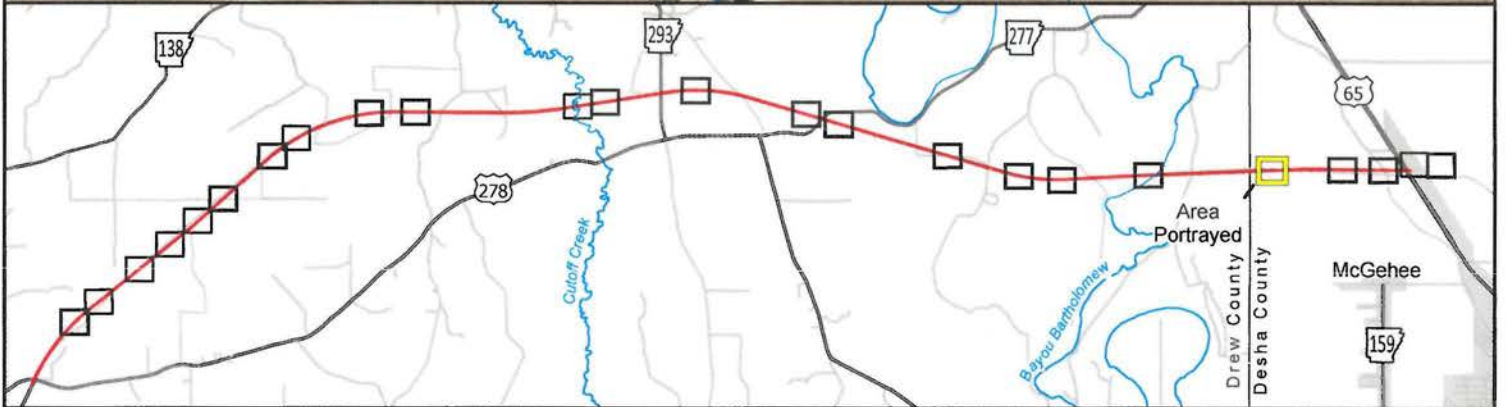
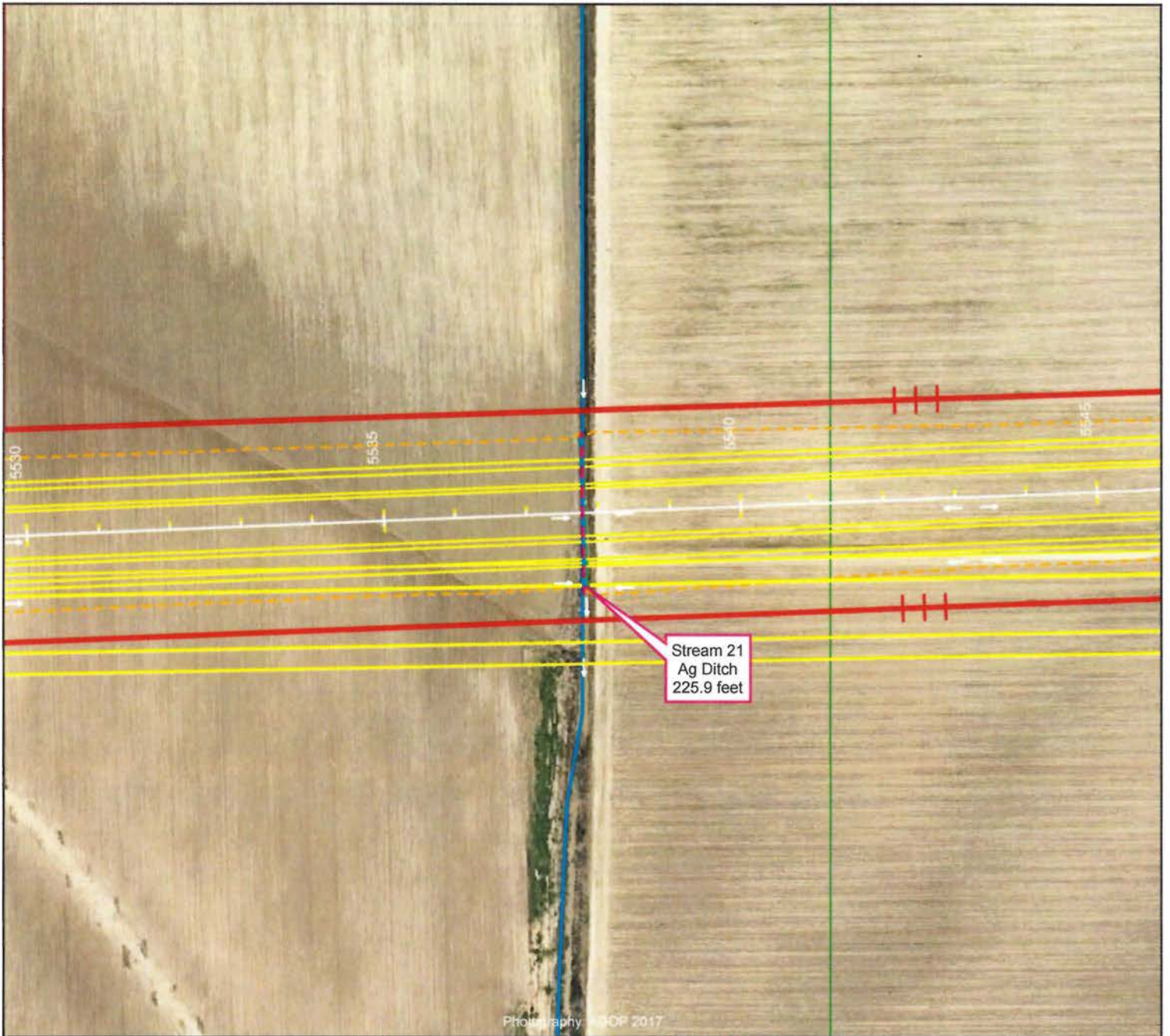
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ARDOT - Environmental GIS - Strawn  
January 20, 2022

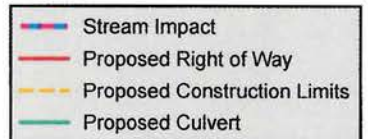
Wetland and Stream Impacts  
Page 19 of 24

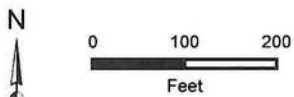
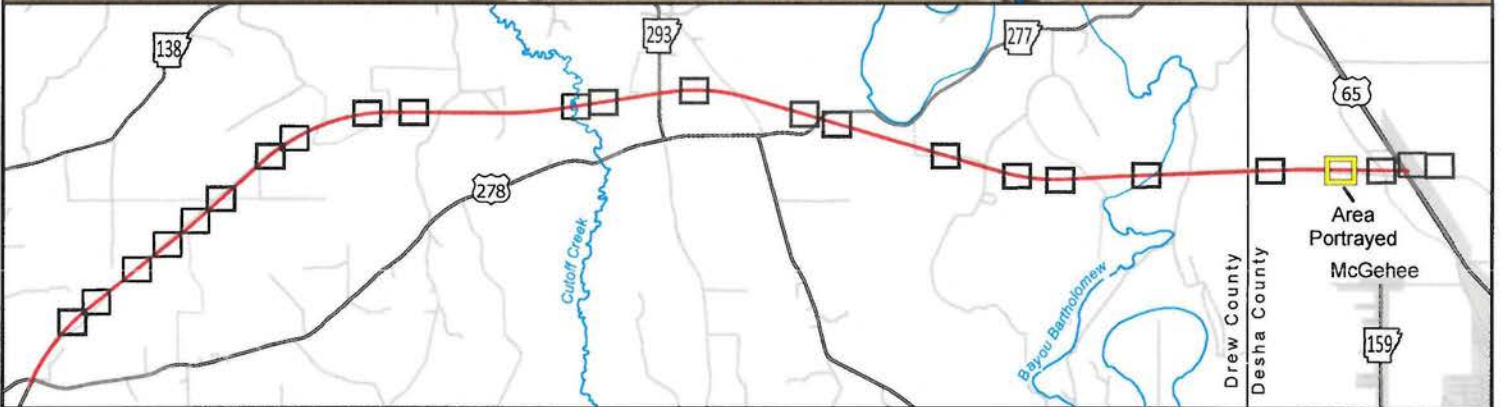
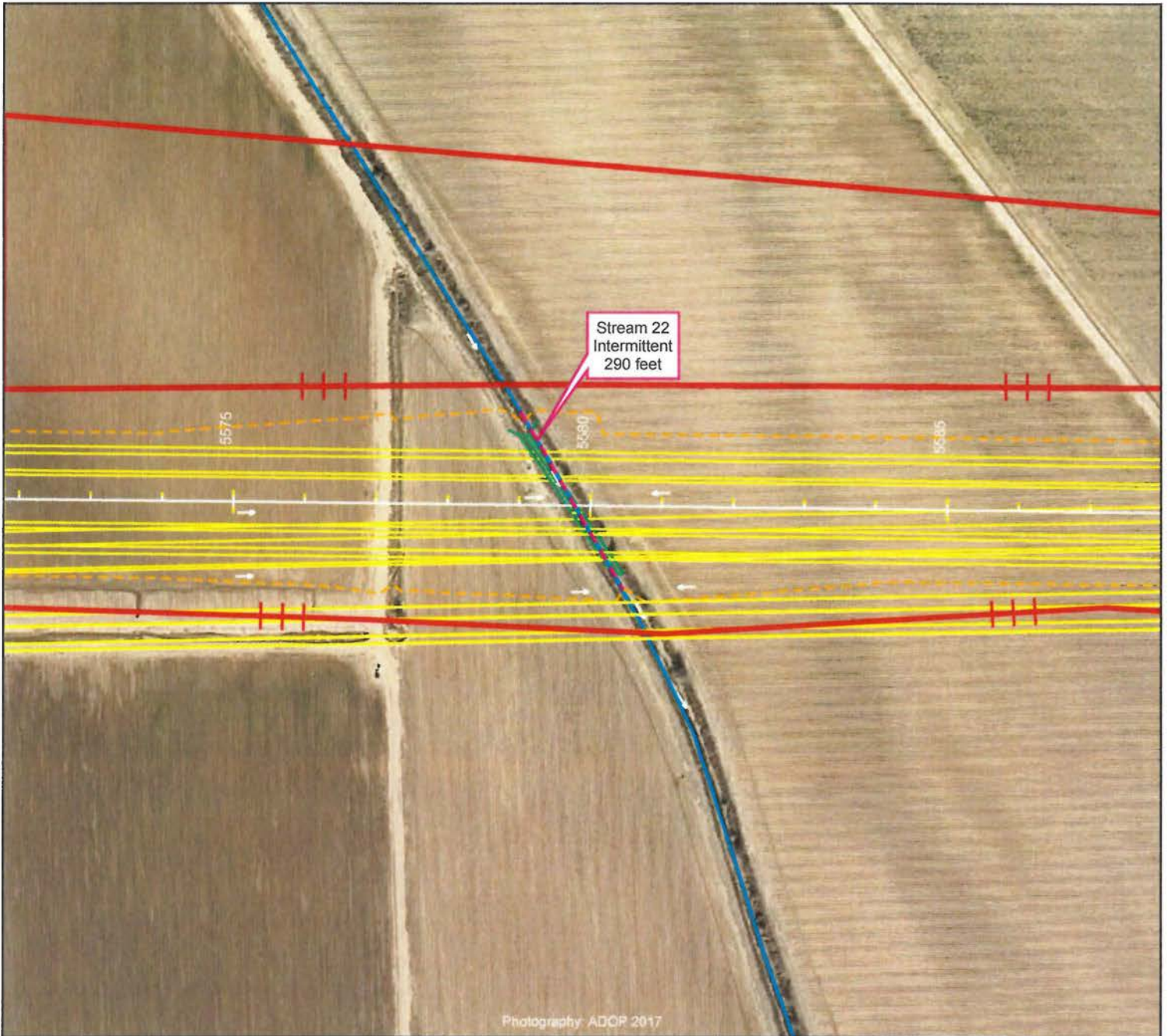




Job 020678  
ARDOT - Environmental GIS - Strawn  
January 20, 2022

Wetland and Stream Impacts  
Page 20 of 24

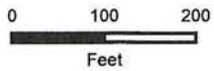
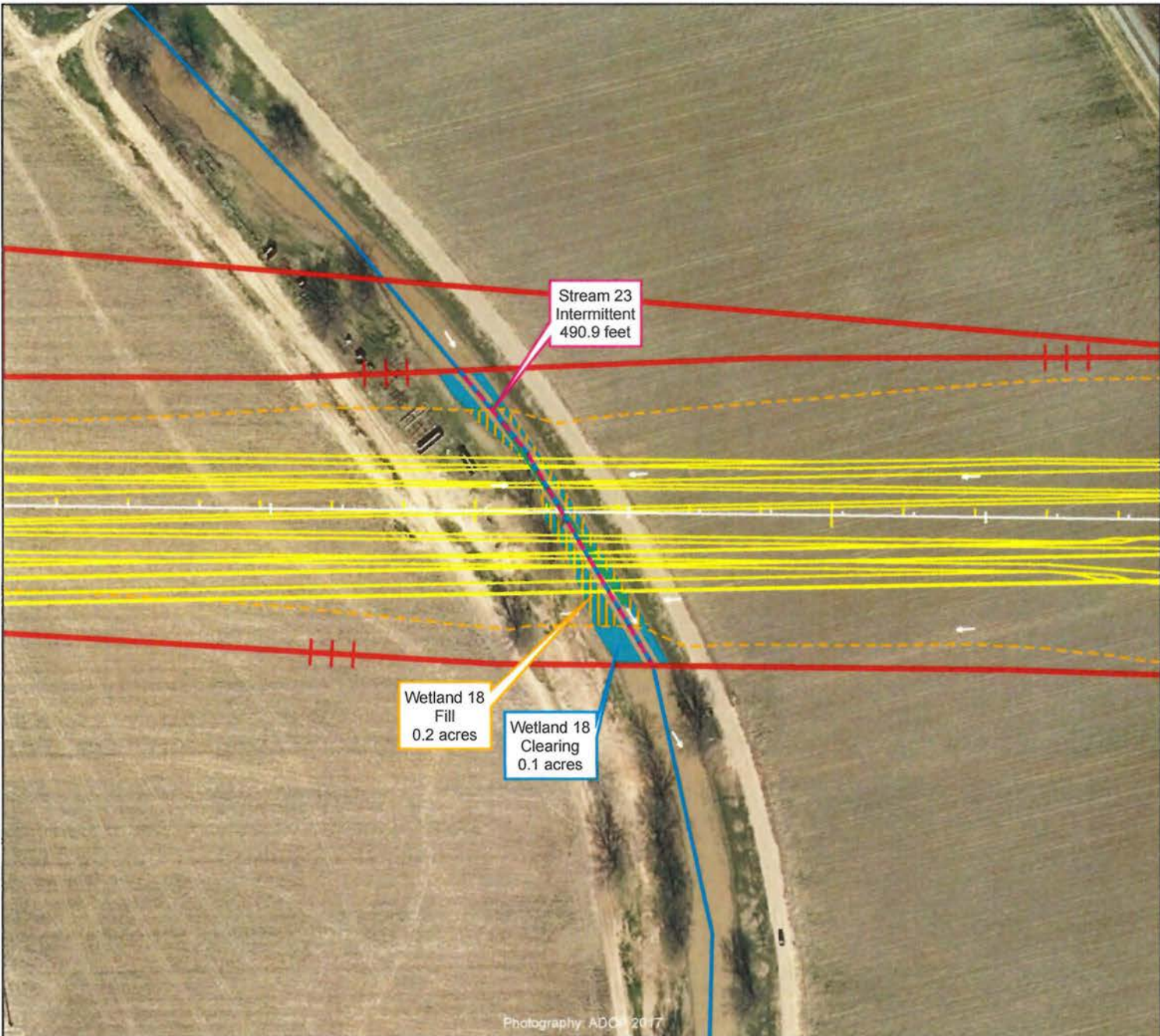




Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

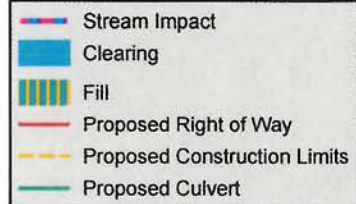
Wetland and Stream Impacts  
 Page 21 of 24

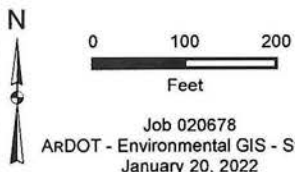
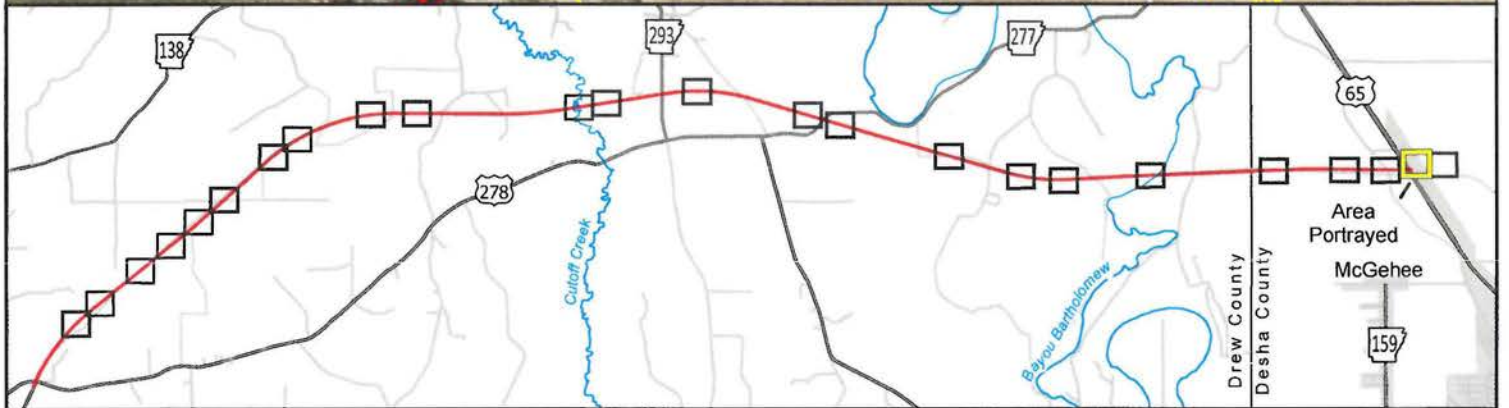
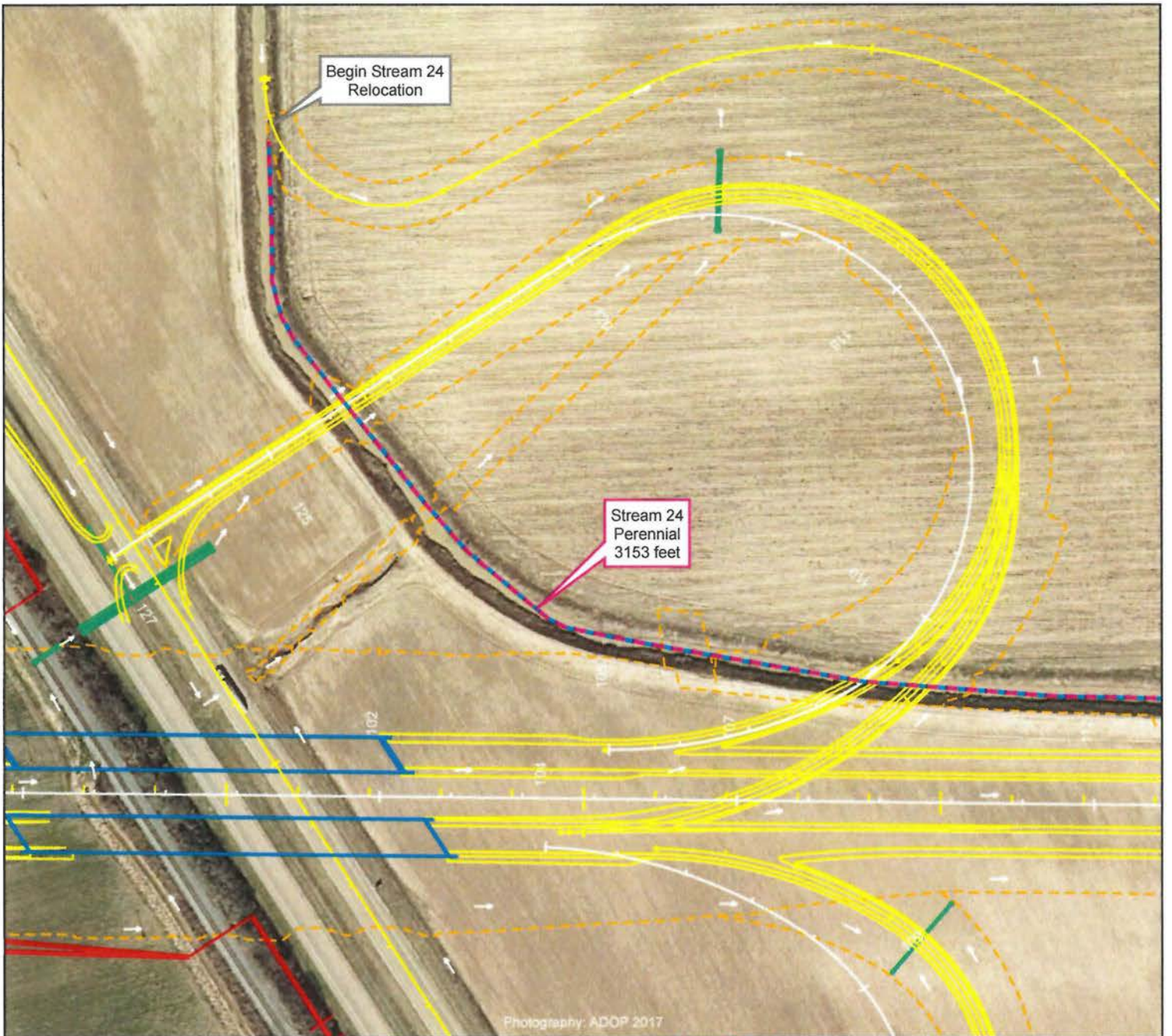
- Stream Impact
- Proposed Right of Way
- Proposed Construction Limits
- Proposed Culvert



Job 020678  
ARDOT - Environmental GIS - Strawn  
January 20, 2022

Wetland and Stream Impacts  
Page 22 of 24

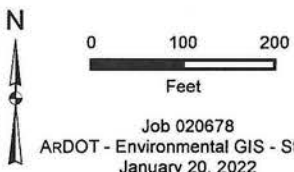
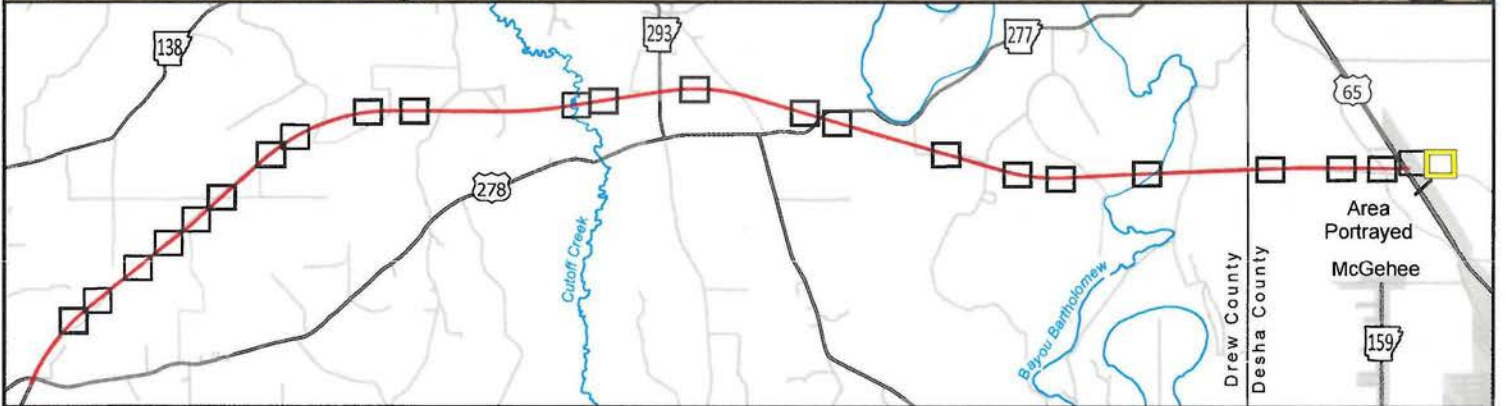
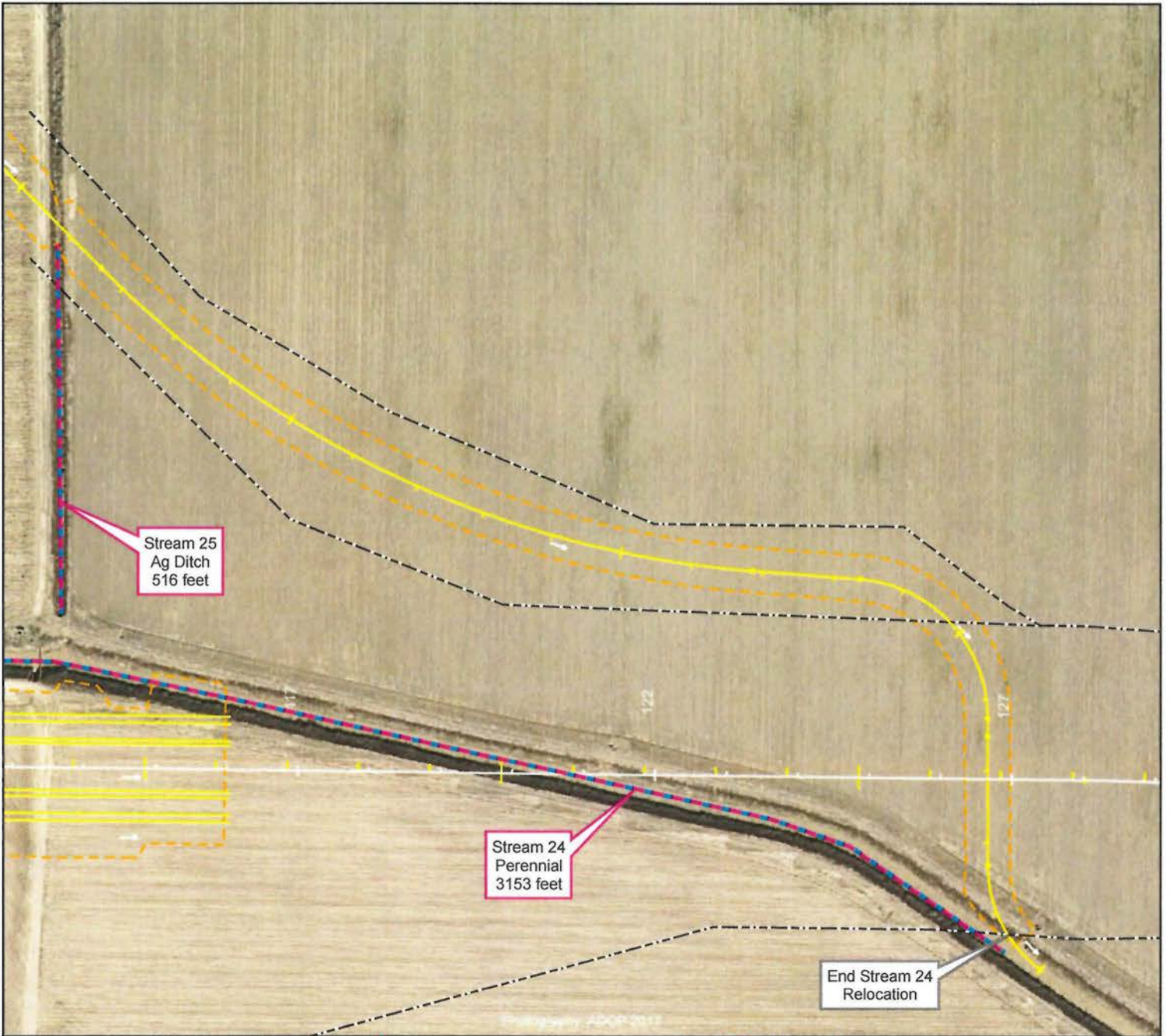




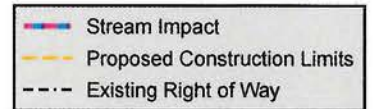
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 January 20, 2022

Wetland and Stream Impacts  
 Page 23 of 24

- Stream Impact
- Proposed Right of Way
- - - Proposed Construction Limits
- Proposed Bridge
- Proposed Culvert



Wetland and Stream Impacts  
Page 24 of 24



## Mitigation for Wetlands

### 14. Tables and Worksheets.

#### 14.1. Adverse Impacts Table.

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

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		Slightly Impaired 2.0	Fully Functional 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 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

**Note:** For the **Cumulative Impact** factor,  $\sum AA$ , stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. **The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.**

#### Required Mitigation Credits Sample Worksheet

Factor	Forested Cleared	Forested Filled	Scrub Shrub Cleared	Scrub Shrub Filled	Herbaceous Cleared	Herbaceous Filled
Lost Type	3.0	3.0	2.0	2.0	2.0	2.0
Priority Category	1.5	1.5	0.5	0.5	0.5	0.5
Existing Condition	2.0	2.0	2.0	2.0	1.0	1.0
Duration	2.0	2.0	2.0	2.0	2.0	2.0
Dominant Impact	1.0	3.0	1.0	3.0	1.0	3.0
Cumulative Impact	2.5	2.5	2.5	2.5	2.5	2.5
Sum of r Factors	$R_1 = 12$	$R_2 = 14$	$R_3 = 10$	$R_4 = 12$	$R_5 = 9$	$R_6 = 11$
Impacted Area	$AA_1 = 12.9$	$AA_2 = 30.4$	$AA_3 = 1.3$	$AA_4 = 2.5$	$AA_5 = 0.6$	$AA_6 = 2.6$
$R \times AA =$	154.8	425.6	13	30	5.4	28.6

**Total Required Credits =  $\sum (R \times AA) =$**  657.4



**ADVERSE IMPACT  
FACTORS FOR RIVERINE SYSTEMS WORKSHEET**

Stream Type Impacted	Ephemeral 0.1			Intermittent 0.4			Perennial-OHWM width		
	<15'	15'-30'	>30'	0.4	0.6	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 Type 1	Dominant Impact Type 2	Dominant Impact Type 3	Dominant Impact Type 4	Dominant Impact Type 5
Stream Type Impacted	Perennial 15'-30'	Perennial 15'-30'	Intermittent	Intermittent	Ephemeral
Priority Area	Tertiary	Tertiary	Tertiary	Tertiary	Tertiary
Existing Condition	Moderately Func	Functionally Imp	Moderately Func	Functionally Imp	Moderately Func
Duration	Permanent	Permanent	Permanent	Permanent	Permanent
Activity	Fill	Fill	Fill	Fill	Fill
Cumulative Linear Impact	blank 2.4	blank 2.4	blank 2.4	blank 2.4	blank 2.4
Sum of Factors	M = 6.7	6	6.5	5.8	6.2
Linear Feet of Stream Impacted in Reach	LF = 1136	3152	3716	1394	2153
M X LF	7,611.20	18,912	24,154	8,085	13,349

**Total Mitigation Credits Required = (M X LF) = 72,111.00**

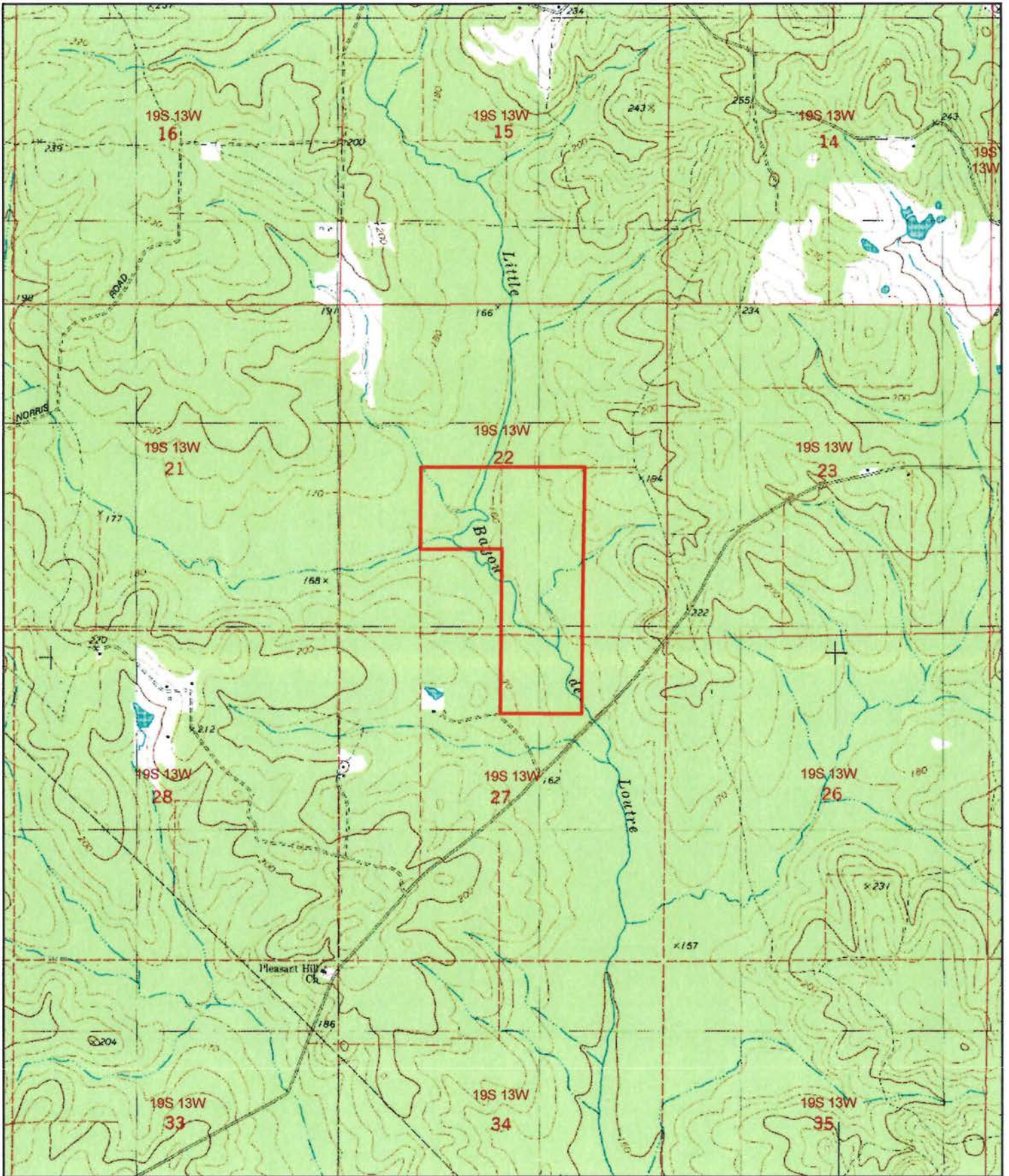
**ADVERSE IMPACT  
FACTORS FOR RIVERINE SYSTEMS WORKSHEET**

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 Type 1	Dominant Impact Type 2	Dominant Impact Type 3	Dominant Impact Type 4	Dominant Impact Type 5
Stream Type Impacted	Ephemeral	blank	blank	blank	blank
Priority Area	Tertiary	blank	blank	blank	blank
Existing Condition	Functionally Imp	blank	blank	blank	blank
Duration	Permanent	blank	blank	blank	blank
Activity	Fill	blank	blank	blank	blank
Cumulative Linear Impact	blank 2.4	blank	blank	blank	blank
Sum of Factors	M = 5.5	0	0	0	0
Linear Feet of Stream Impacted in Reach	LF = 363				
M X LF	1,996.50	0	0	0	0

**Total Mitigation Credits Required = (M X LF) = 1,996.50**



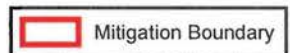


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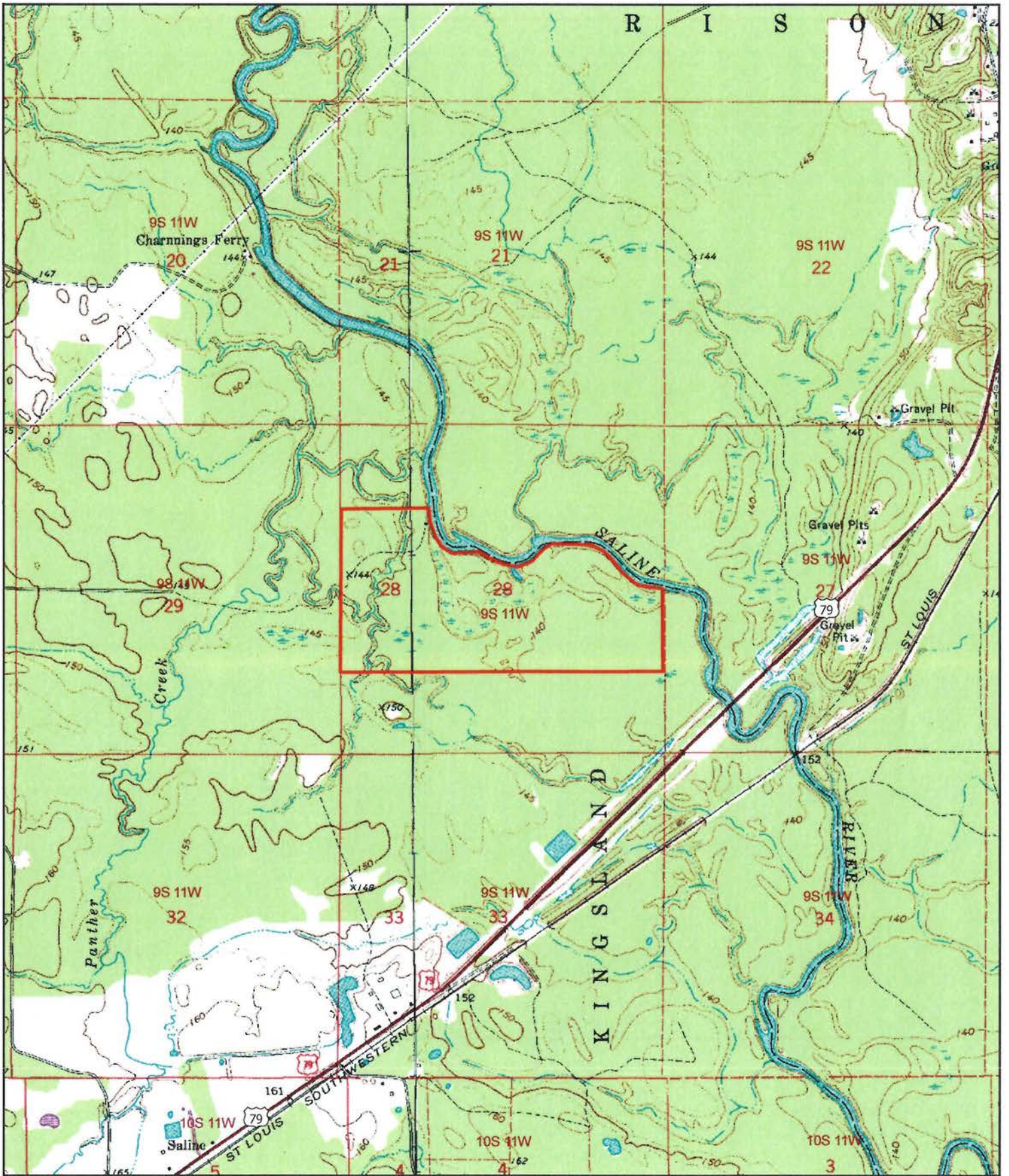
Job 020678  
 ARDOT - Environmental GIS - Strawn  
 February 2, 2022

Figure 3  
 Bayou DeLoutre Topo

Sheet 31 of 33



USGS Topographic Map:  
 Gardner 1981

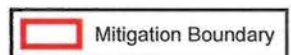


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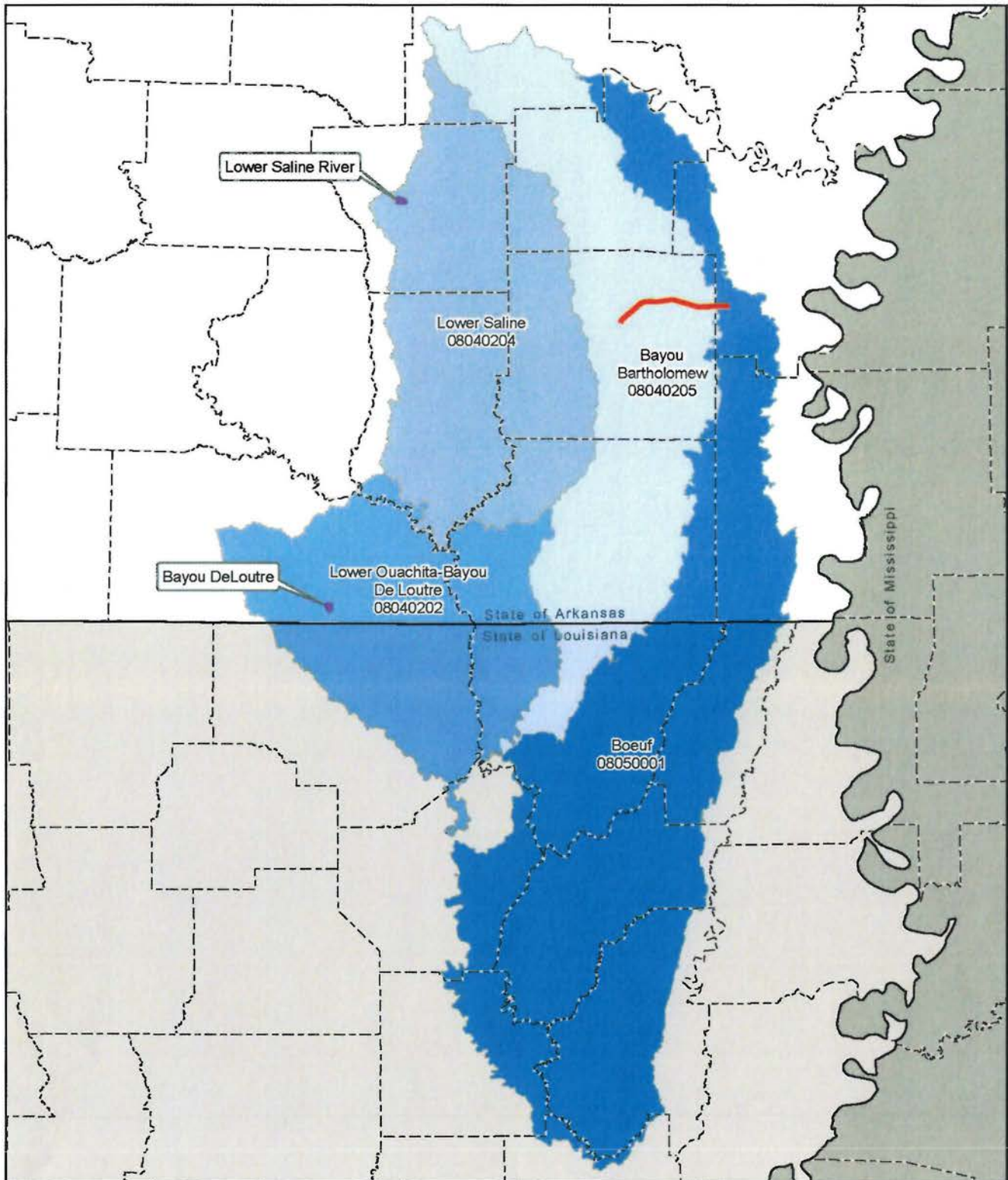
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 ARDOT - Environmental GIS - Strawn  
 February 2, 2022

Figure 4  
 Lower Saline Topo

Sheet 32 of 33



USGS Topographic Map:  
 Fordyce NE 1985; Rison 1982



Job 020678  
ARDOT - Environmental GIS - Strawn  
February 2, 2022

Figure 2  
8 Digit HUCs

