



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: MVK-2024-00473

Date: August 1, 2024

Comments Due: August 26, 2024

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 regulators, Johnny McLean or Austin Dartez, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email addresses: Johnny.L.McLean@usace.army.mil, Austin.R.Dartez@usace.army.mil

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

**Josh Seagraves
Arkansas Department of Transportation (ArDOT)
PO Box 2261
Little Rock, AR 72203**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the relocation of approximately 4.2 miles of Highway 79. The proposed project is located in a portion of Section(s) 11, 12, 14, 19, 20, 21, and 30, T. 3 S., R. 6 W., in Humphrey, and unincorporated areas, within Arkansas County, Arkansas.

The project purpose is to relocate and expand a portion of Highway 79 to improve roadway and railway conditions, between the cities of Humphrey and Stuttgart. The proximity to the railroad is causing substructure issues for the highway due to poor drainage.

The overall project will be completed under the ArDOT number 020758 and would relocate two sections of Highway 79, totaling 4.2 miles, to facilitate needed repairs for drainage along the roadway and a railway line adjacent to and south of the Highway. ArDOT proposes to move the one lane of the roadway approximately 12 feet northward and expand the roadway from two 11-foot-wide travel lanes with 4-foot-wide paved shoulders to 12-foot-wide travel lanes with 8-foot-wide paved shoulders.

The applicant plans to adversely impact approximately 8.47 acres of wetlands and 3,456 feet of streams by permanently discharging fill material and mechanically clearing the vegetation. Specifically, within wetlands and unnamed tributaries draining to Bayou Meto, and eventually the Arkansas River, ArDOT proposes to permanently fill approximately 3.47 acres of wetlands and 1,560 feet of stream for the purpose of constructing the roadway, as well as mechanically clearing and converting approximately 5 acres of forested wetlands to emergent wetlands, and mechanically clearing approximately 1,896 feet of vegetation of within the ordinary high-water mark of streams. For the stream impacts, 1,372 feet of fill and 95 feet of mechanical clearing are

associated with the relocation of Intermittent Stream 1. Intermittent Stream 1 will be reestablished north of the roadway with no loss of functions or services.

The project is located within Crooked Creek-Bayou Meto watershed (HUC 08020402), and within the Benson Lake-Bayou Meto, Lower Crooked Creek, Fish Slough-Bayou Meto sub-watersheds. The overall project will require the acquisition of an approximately 6.1 acres of new right-of-way. Direct land use changes would primarily be the conversion of farm and pastureland to a maintained right-of-way for transportation use.

The overall roadway improvement project will convert 1.8 acres of Prime Farmland to roadway right-of-way, which has been coordinated with the United States Department of Agriculture, Natural Resources Conservation Service.

ArDOT has made noise predictions made for this project using the FHWA Traffic Noise Model Version 2.5. The model indicated two noise sensitive receptors that would experience noise impacts under existing and future build conditions. No additional receptors were identified along the proposed realignment section. ArDOT determined a noise barrier would not be warranted, constructable, or cost-effective. There are no relocations, environmental justice issues, hazardous materials, underground storage tanks, or cultural resources associated with this project.

The initial design proposed to clear over 30 acres of wetlands, however, working through ArDOT's Environmental Division, the adverse impacts were reduced to just over 8 acres. Also, the project will be constructed on existing alignment which further minimized impacts. ArDOT proposes to utilize 60.285 wetland credits from their Ink Bayou Mitigation Bank and 6,924.8 stream credits from their Bayo Meto Mitigation Bank, for unavoidable impacts to 8.47 acres of wetlands and 1,989 feet of streams. The Corps will not require compensatory mitigation for unavoidable impacts to Intermittent Stream 1, as all stream functions and services will be maintained. The location and general plan for the proposed work are shown on the enclosed sheets 1 through 14 of 14.

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective November 27, 2023, 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 solely 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, the Corps and ADEQ have determined the reasonable period of time for the certifying agency to act upon the certification request is 30 days once the applicant submits a certification request to the certifying agency. 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 completed a Cultural Resources Phase II Study for the project area. The Federal Highway Administration 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 has preliminarily determined 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. The Corps have determined that the project will impact a Special Flood Hazard Area Zone A. 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 **August 26, 2024**. 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:

Project Maps

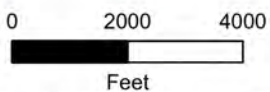
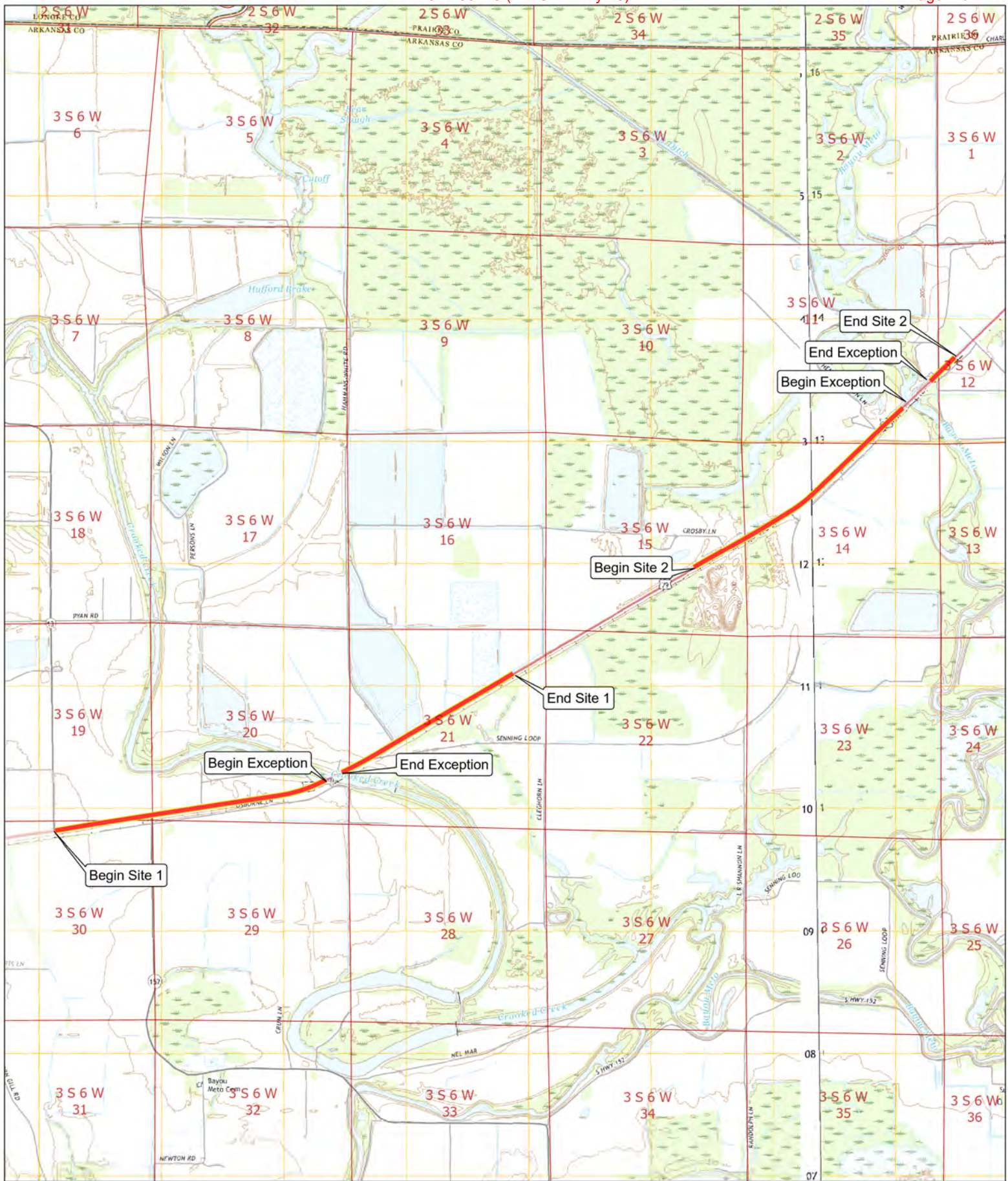
Approximate Coordinates of Project Center

Latitude: **34.431695**

Longitude: **-91.656593**


UTM Zone: **15S** North: **3810841**

East: **623433**



ARDOT - Environmental GIS - Hopkins
July 16, 2024

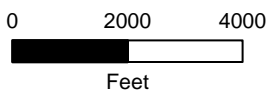
Job 020758
Hwy. 13 - Bayou Meto (Sel. Secs.)
(Hwy. 79)
Arkansas County

 Project Location

2020 USGS Topographic Maps:
Humphrey; Stuttgart South



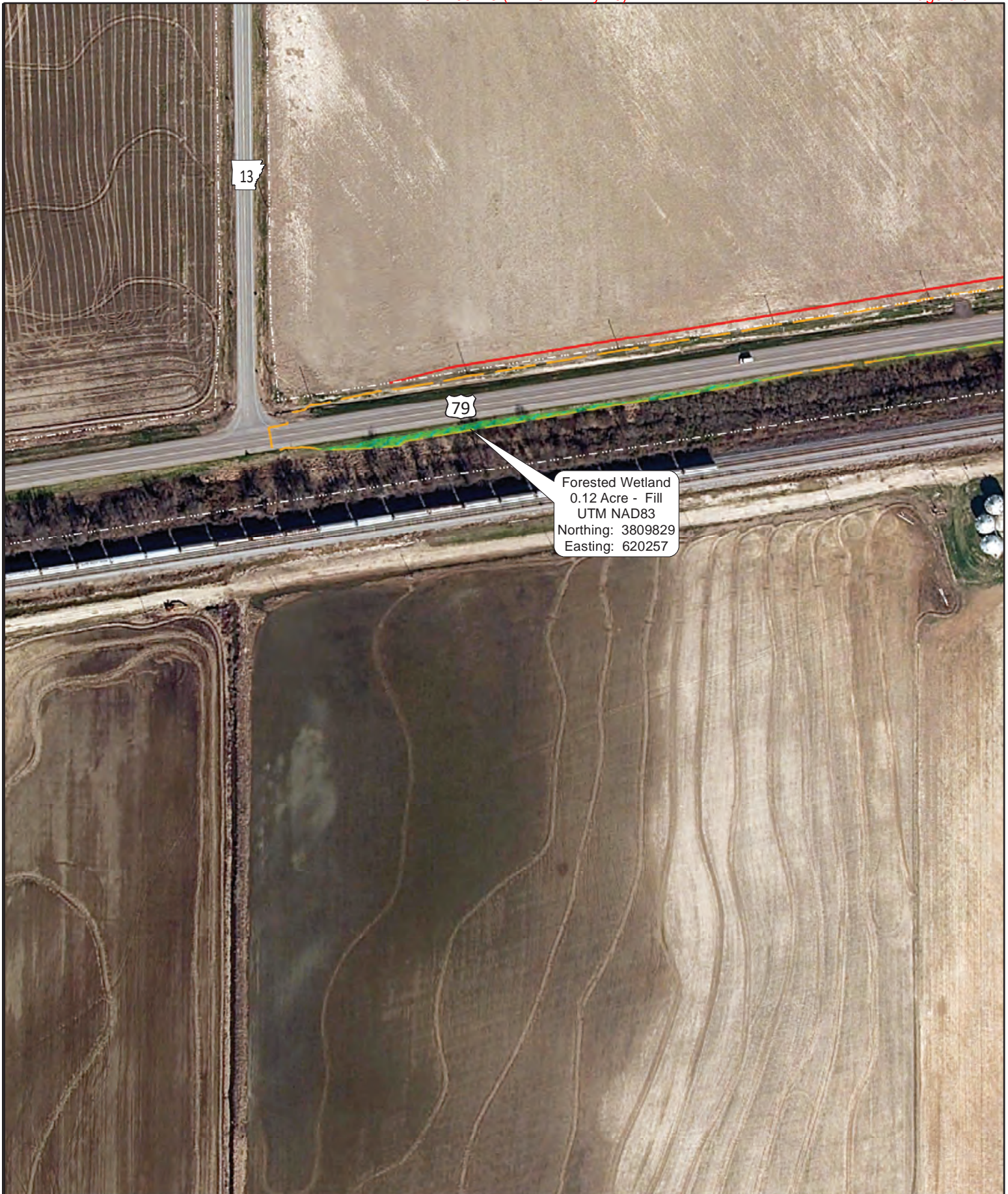
3



ARDOT - Environmental GIS - Hopkins
July 16, 2024

Job 020758
Hwy. 13 - Bayou Meto (Sel. Secs.)
(Hwy. 79)
Arkansas County

Project Location



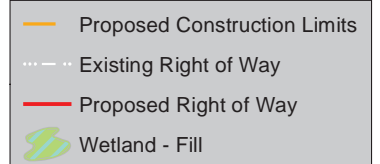
0 100 200

Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022





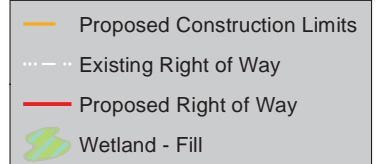
0 100 200

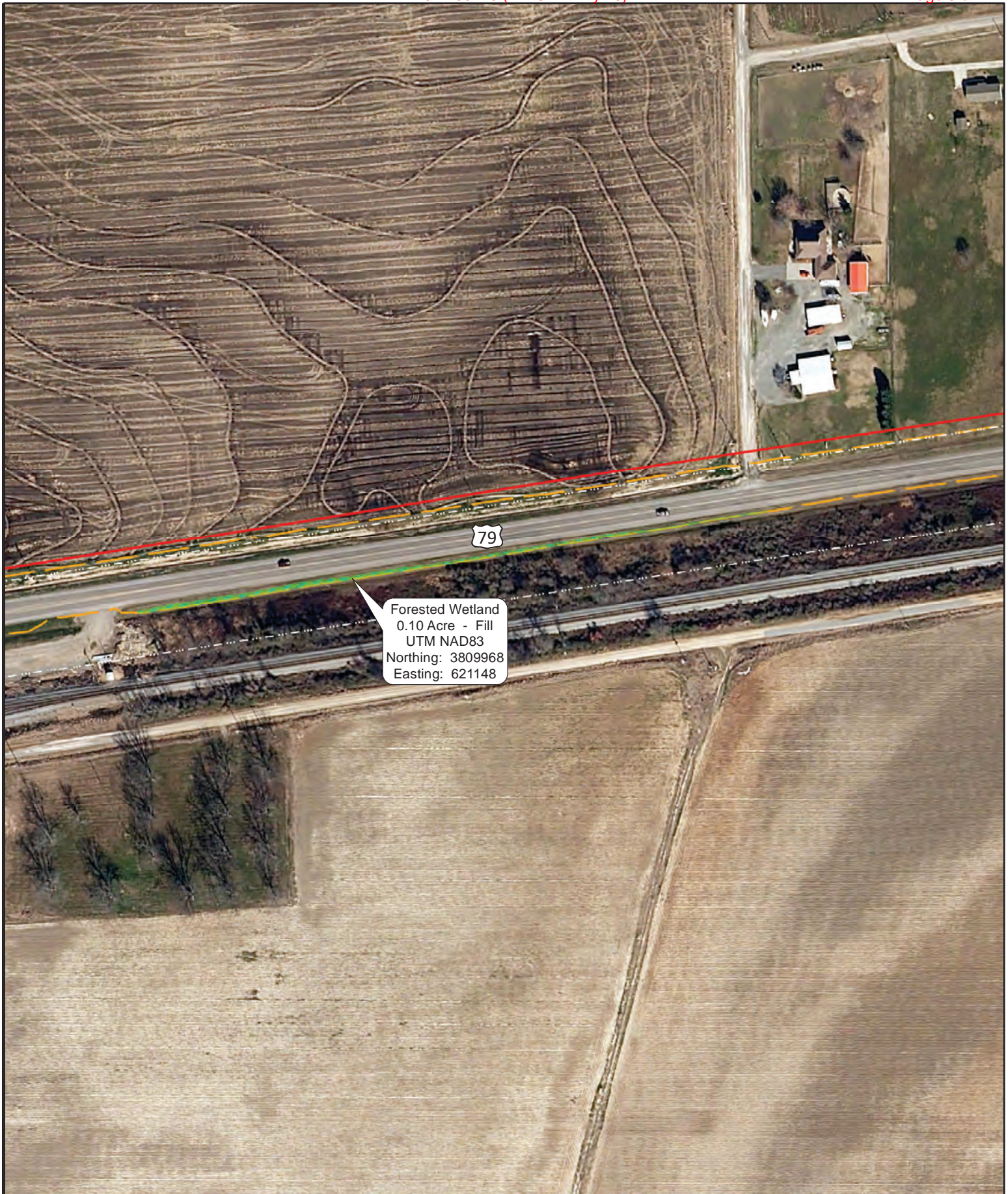
Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022







0 100 200

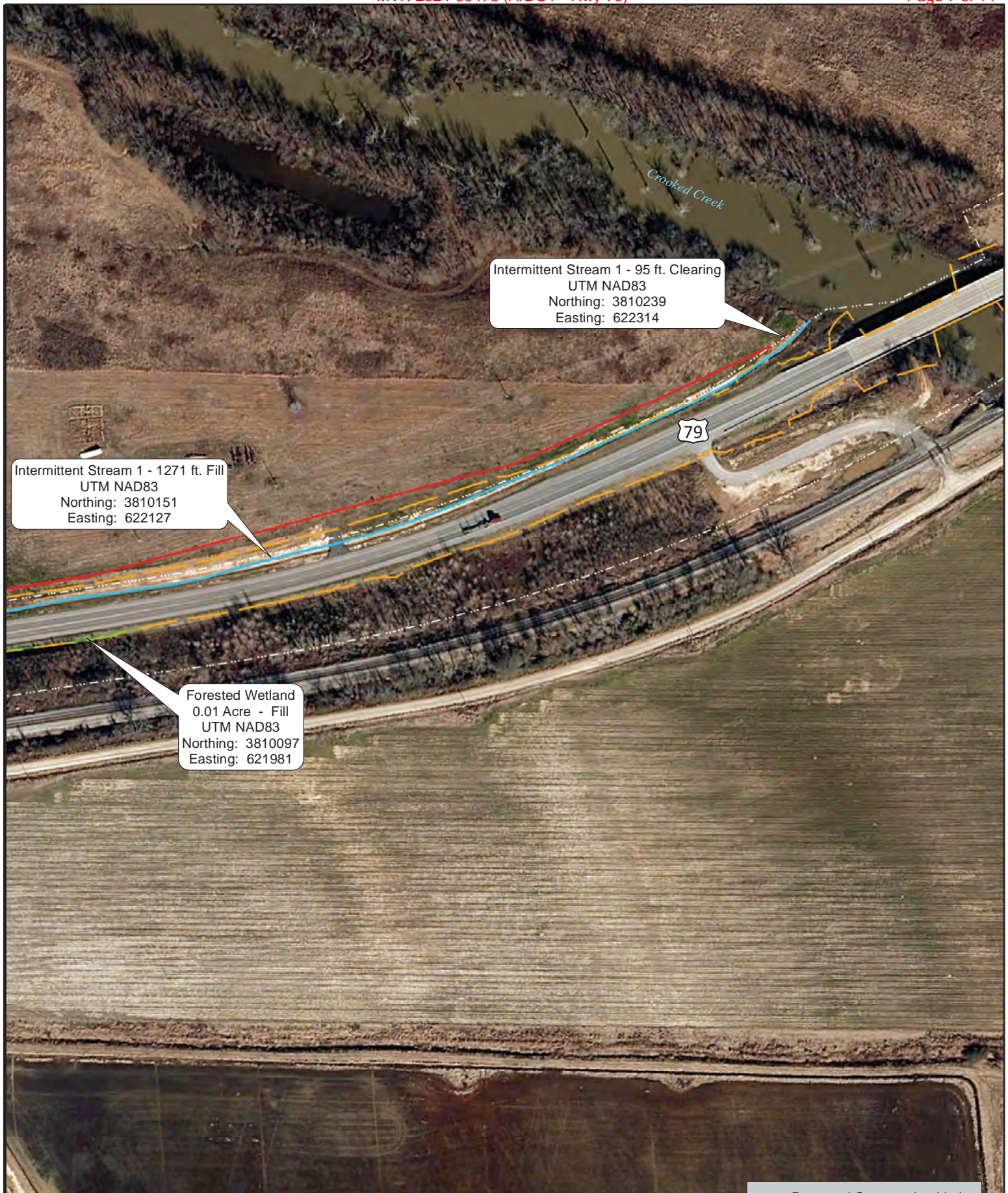
Feet

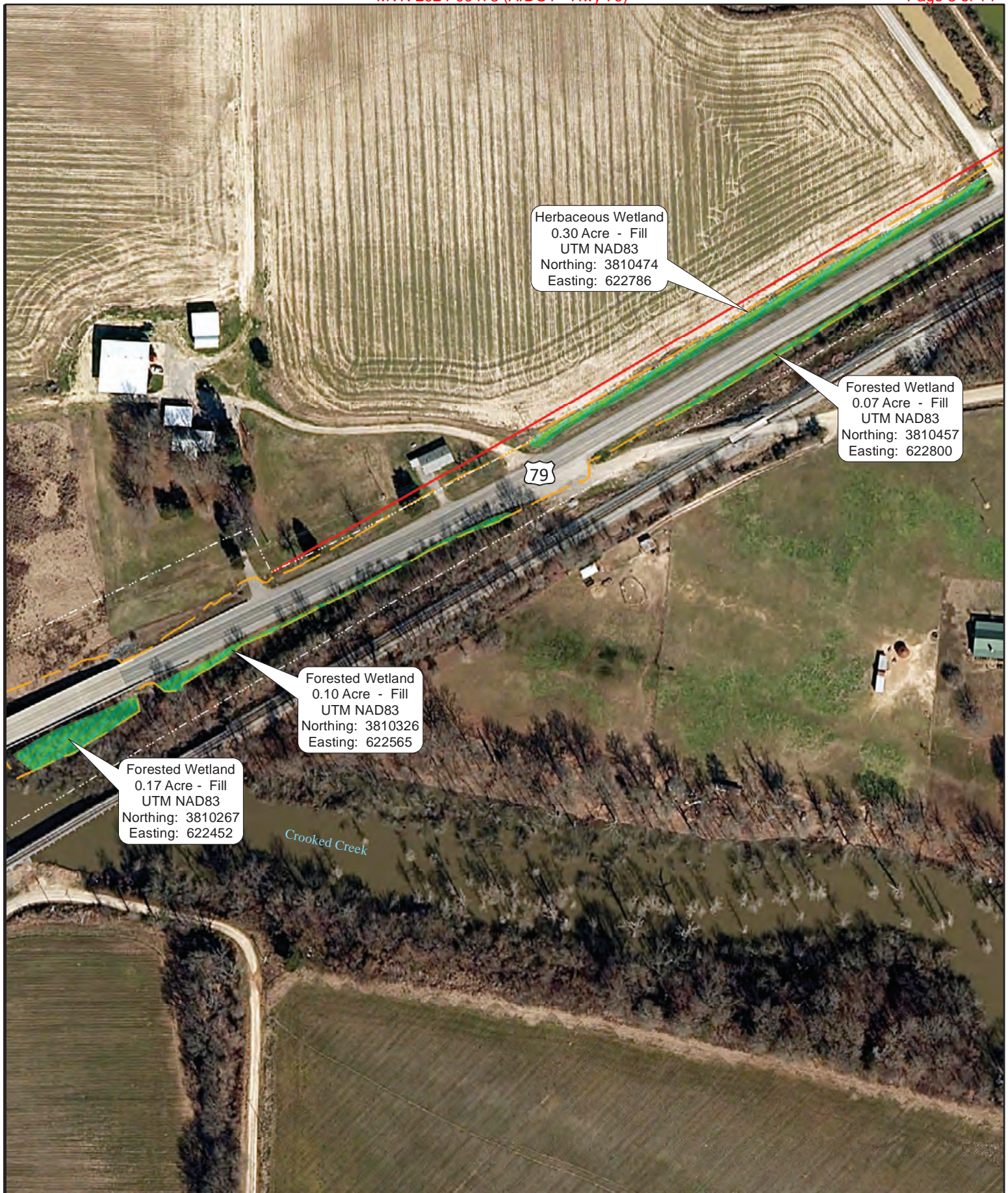
Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022

- Proposed Construction Limits
- - - Existing Right of Way
- Proposed Right of Way
- Wetland - Fill
- Stream Impact





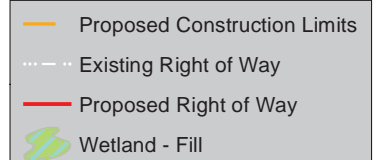
0 100 200

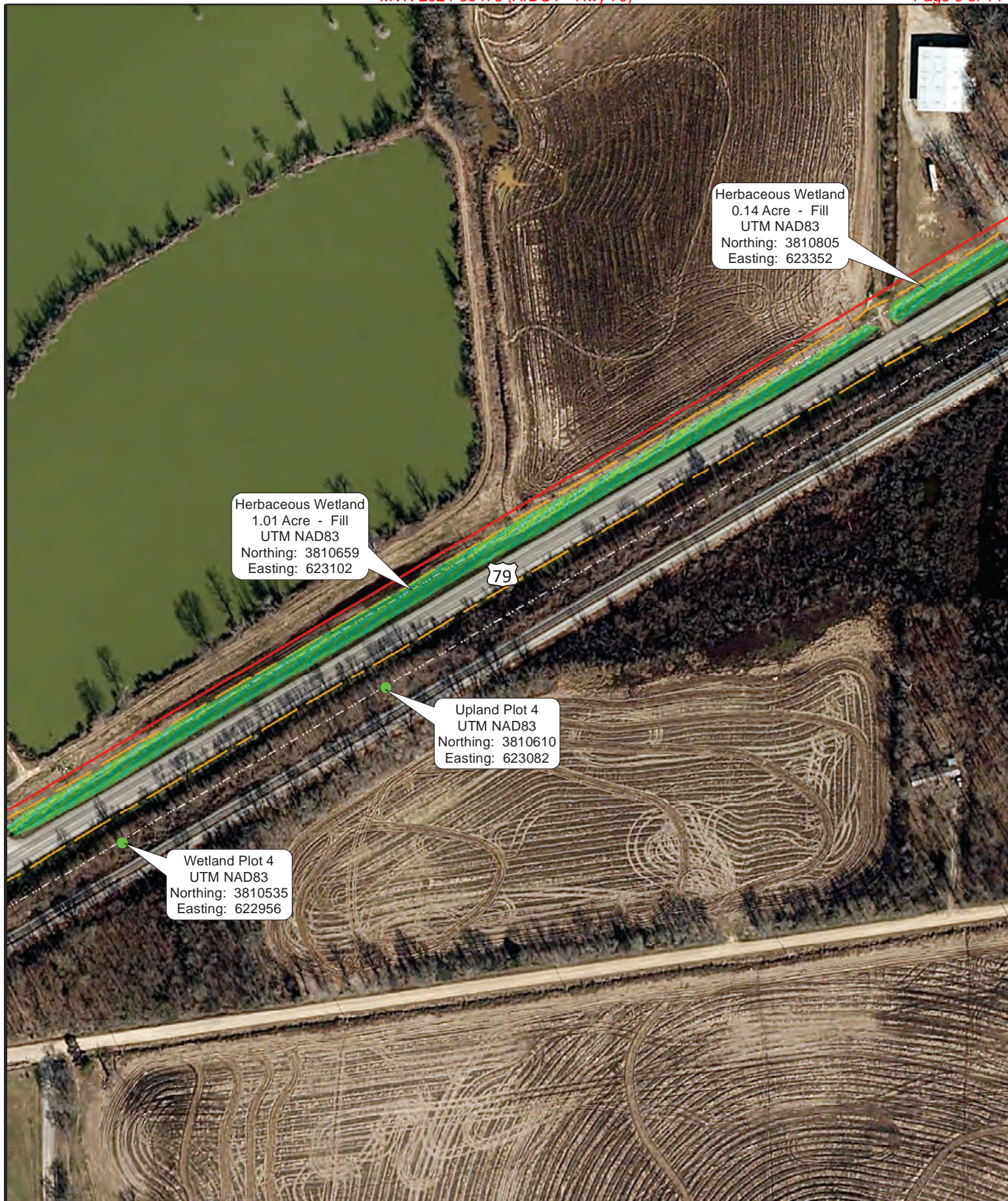
Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022





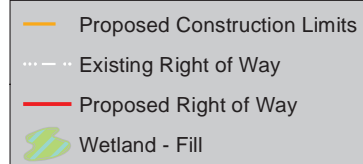
0 100 200

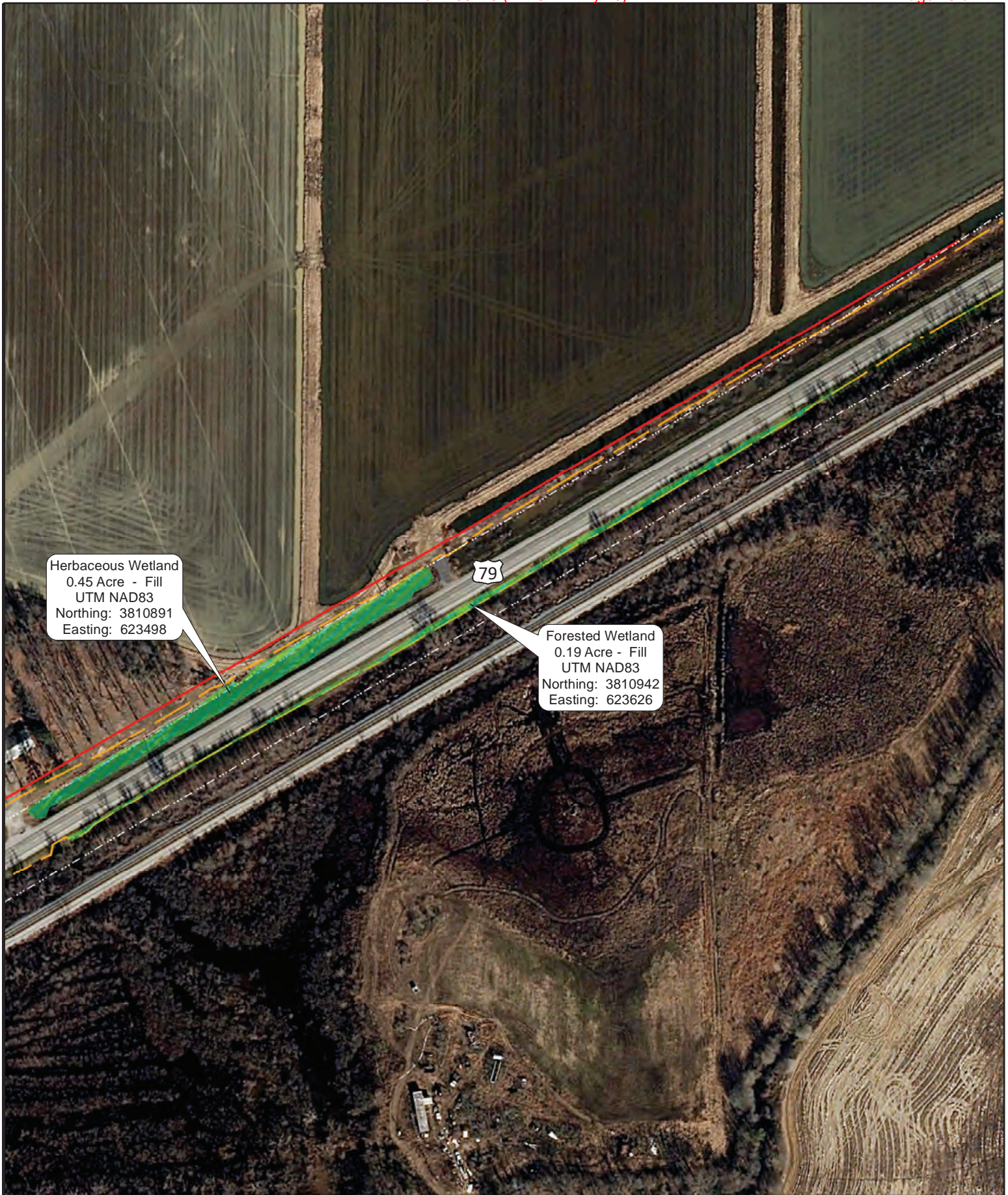
Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022

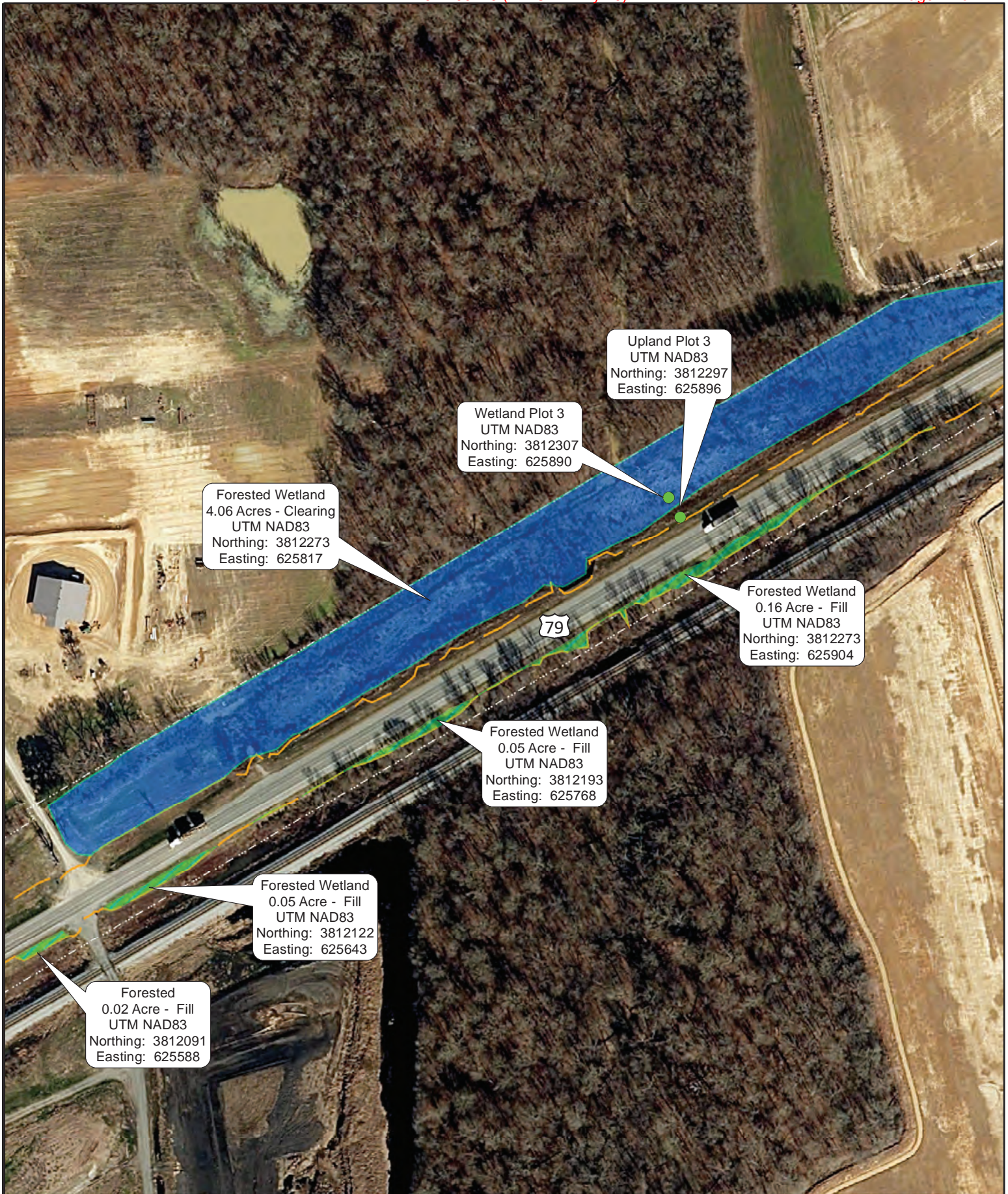




0 100 200
Feet

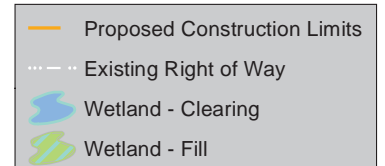
Job 020758
ArDOT - Environmental GIS - Hopkins
November 18, 2022

- Proposed Construction Limits
- Existing Right of Way
- Proposed Right of Way
- Wetland - Fill



0 100 200
Feet

Job 020758
ArDOT - Environmental GIS - Hopkins
November 18, 2022





0 100 200

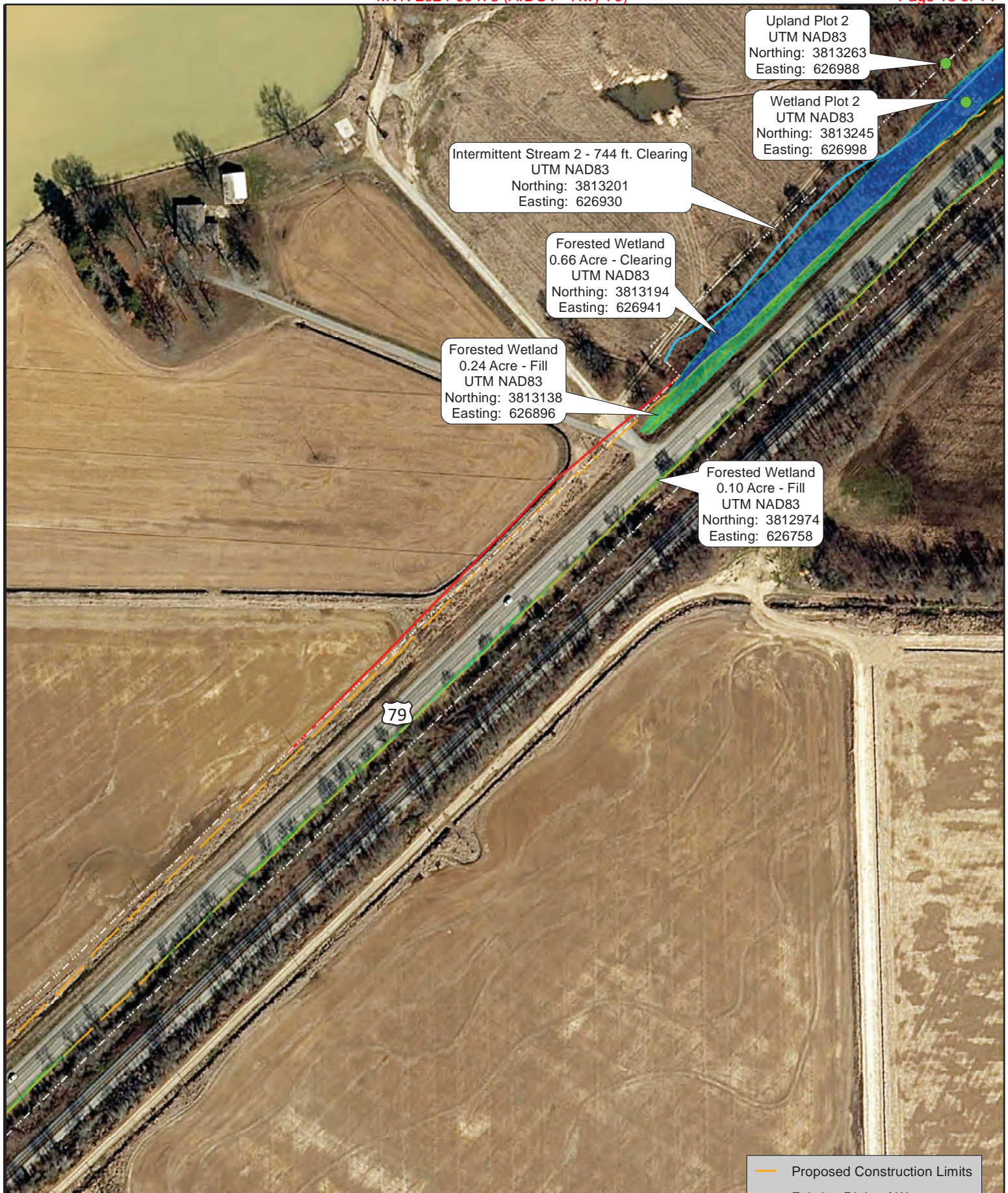
Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022

- Proposed Construction Limits
- - - Existing Right of Way
- Wetland - Clearing
- Wetland - Fill



0 100 200

Feet

Job 020758

ArDOT - Environmental GIS - Hopkins

November 18, 2022

- Proposed Construction Limits
- Existing Right of Way
- Proposed Right of Way
- Wetland - Clearing
- Wetland - Fill
- Stream Impact

