



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: MVM 2018-00289

Date: March 27, 2023

Comments Due: April 26, 2023

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. An electronic copy of the Arkansas Department of Transportation-St. Francis Sunken Lands Mitigation Bank prospectus can be viewed on the Little Rock District, Regulatory Division webpage at https://www.swl.usace.army.mil/Portals/50/docs/regulatory/publicnotices/SunkenLands_Prospectus_2021Final.pdf 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

**Arkansas Department of Transportation
PO Box 2261
Little Rock, Arkansas 72203-2261**

proposes the establishment of a wetland mitigation bank located approximately two miles west of the City of Marked Tree, in sections 5, 6 and 7, Township 10 North, Range 6 East, and in sections 31 and 32, Township 11 North, Range 6 East, Poinsett County, Arkansas. The proposed 280.8-acre site is located at the south end and immediately adjacent to the Arkansas Game and Fish (AG&FC)-St. Francis Sunken Lands Wildlife Management Area (WMA). ArDOT has submitted their St. Francis Sunken Lands Mitigation Bank prospectus. The prospectus outlines the proposal for developing and operating the bank, which is known as the mitigation banking instrument (MBI). After public comments are received and any issues are resolved on the prospectus, Arkansas Department of Transportation (ArDOT) will submit a draft banking instrument to the District Engineer. 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 Arkansas Department of Transportation 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 wetlands for highway construction and maintenance authorized under Section 404 of the Clean Water Act. The bank is located within the U.S. Army Corps of Engineers, Memphis District. The management goal for the mitigation bank is the restoration and enhancement of 231.5 acres of bottomland hardwood

and open wetlands. This would include enhancing 131.5 acres of bottomland hardwood wetlands and 65 acres of open wetland habitat, and restoring 35 acres of open wetland habitat (see Figure 2). Objectives include enhancement of existing wetlands by removing nonnative species and planting bottomland hardwood tree species. Approximately 65 acres of open wetland habitat will be enhanced by nonnative species removal and approximately 35 acres of open wetland habitat will be restored through nonnative species removal and construction of small depressions. The small, randomly spaced depressions will cover approximately 15-20 percent of the property, as hydrogeomorphic (HGM) surveys of the Arkansas Delta suggest. Historically, this area was a bottomland hardwood forest characterized by depressional microtopography. ARDOT plans to restore this historical landscape by creating a series of shallow, north-south trending swales, which will be separated by low, sandy ridges of relative uplands, 1 to 3 feet in height. ARDOT has discussed the proposed management goals and objectives with the AG&FC-St. Francis Sunken Lands WMA personnel. ARDOT, following AG&FC recommendations, will enhance approximately 65 acres as open wetland habitat to create a diversity of wetland habitats on the proposed bank site. The open wetland habitat will allow for small game, turkey and potentially quail habitat that is much needed on the WMA. It should be noted that all work will be done with existing material (soils) on the site, no additional material will be brought to the site.

The Sunken Lands are the result of the New Madrid Earthquakes of 1811 and 1812. These low lying lands extend for approximately 30 miles through the St. Francis River Floodway, which is managed by the U.S. Army Corps of Engineers, Memphis District. The proposed 280.8-acre bank site is bordered by the St. Francis Sunken Lands WMA on its north and west sides. Ditch No. 60, the primary exit channel for the Floodway, also parallels the site on the west side. There are two easements on the property totaling 49.3 acres; the first is a 100-foot-wide aerial transmission line easement and the second is a drainage ditch easement which is part of the Floodway project. This leaves 231.5 acres eligible for wetland enhancement and restoration. The IRT has visited the site and agree that it is an appropriate site for a wetland mitigation bank.

The primary considerations for site selection were watershed needs, baseline conditions and habitat connectivity. The Arkansas Department of Natural Heritage has records for several rare species on and adjacent to the proposed mitigation bank including: the Federally listed fat pocketbook (*Potamilus capax*) and pondberry (*Lindera melissifolia*); state tracked species such as corkwood (*Leitneria floridana*), tapered pondhorn (*Uniomerus declivis*), pyramid pigtoe (*Pleurobema rubrum*), monkeyface (*Quadrula metanerva*) and the western fanshell (*Cyprogenia aberti*) mussels. The proposed bank site is seasonally inundated by flood waters in the winter and spring months. Historic aerial imagery from 1957 illustrates that the proposed bank site was once all bottomland hardwood forest and is an ideal candidate for bottomland hardwood restoration. These areas were cleared, drained and leveled to expand agricultural production. Hydraulic gauge data shows that this site is frequently inundated. Upland areas that border the property will function as a buffer and wildlife sanctuary for terrestrial wildlife and migratory birds in times of flooding. Soils on the site are mapped as Sharkey by the USDA (*Soil Survey of Poinsett County, Arkansas* 1977). Sharkey soils have a 0 to 1 percent slope and are frequently flooded. Sharkey soils are described as very deep, poorly to very poorly drained, very slowly permeable soil on flood plains and low terraces of the Mississippi River. The site is in the St. Francis Lowlands Ecoregion (Level IV) of the Mississippi Alluvial Plain (Level III). Native vegetation on the floodplains and low terraces includes overcup oak (*Quercus lyrata*), Nuttall

oak (*Quercus texana*), water oak (*Quercus nigra*), hickories (*Carya spp.*), willow (*Salix spp.*), American elm (*Ulmus americana*), river birch (*Betula nigra*), maples (*Acer spp.*), blackgum (*Nyssa sylvatica*), sweetgum (*Liquidambar styraciflua*), cottonwood (*Populus deltoides*) and sycamore (*Platanus occidentalis*) (Woods et al. 2004).

The proposed geographic service area for mitigation would include three sub-basins/watersheds delineated as 8-digit hydrologic unit codes (HUCs). They are the Lower St. Francis River (08020203), the L'anguille River (08020205) and the Little River Ditches (08020204). These subbasins are included in the Lower Mississippi–St. Francis sub-region (0802) and St. Francis basin (080202).

The 2002 Charleston Method with the SWL Addendum would be used as the functional assessment and credit generation mechanism for this bank. ARDOT is the owner of the property and has recorded a restriction on the Warranty Deed to the property. The restriction requires that any activity on the property complies with the terms of a mitigation plan or banking instrument. ARDOT will manage the property for the operational life of the bank. The operational life of the bank terminates when compensatory mitigation credits have been exhausted and the bank site is self-sustaining. ARDOT may deed the property to or enter into a management agreement with an appropriate state or Federal agency provided the agency manages the property in accordance with the provisions of the MBI.

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

Cultural Resources. ArDOT staff archeologists will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The FHWA will be the lead agency for coordination with all associated Native American Nations and tribal governments. 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 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Regulatory Authority. Implementation of the proposed mitigation bank will require Department of the Army Authorization under Section 404 of the Clean Water Act. Based on preliminary evaluation by the USACE, it appears the proposed bank may be authorized by Nationwide Permit 27 for Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

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 **April 26, 2023**. 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.

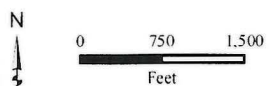
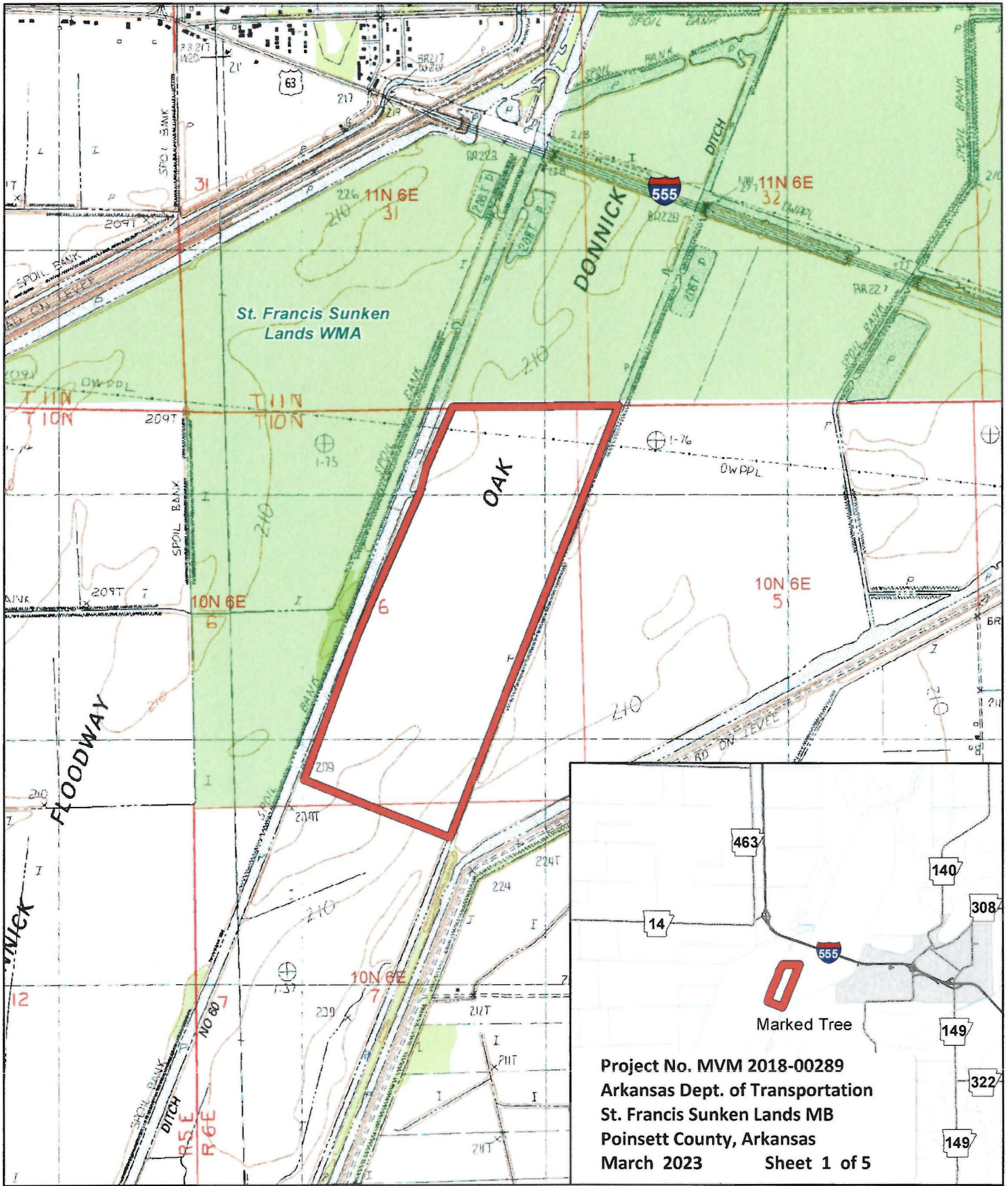
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

Approximate Coordinates of Project Center

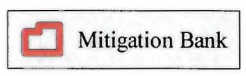
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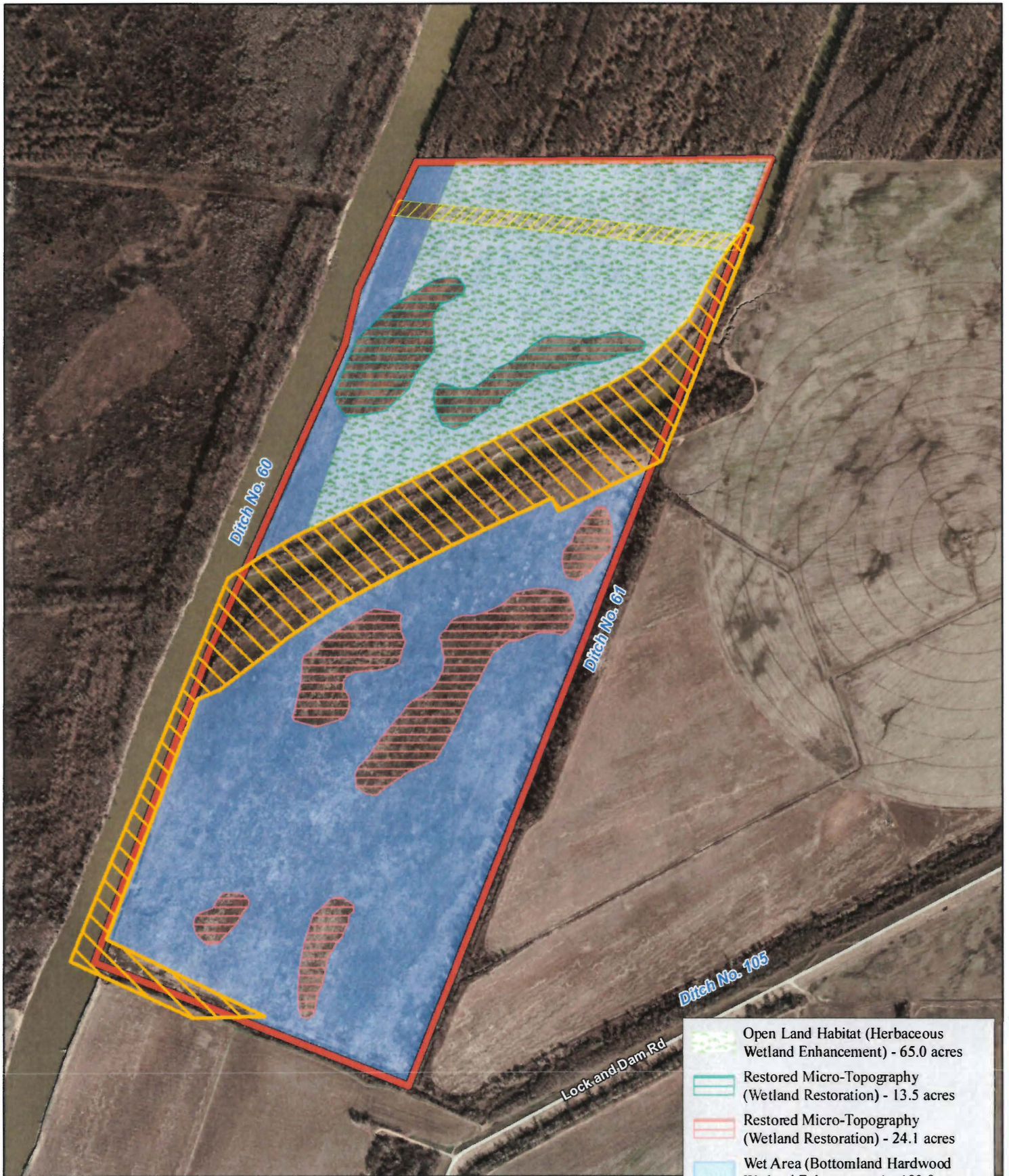


ARDOT - Environmental GIS - Reed
September 7, 2018

Figure 1
St. Francis Sunken Lands
Proposed Mitigation Bank



Marked Tree 1983 USGS Topographic Map










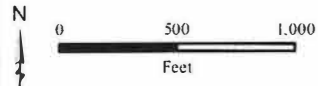
-  Open Land Habitat (Herbaceous Wetland Enhancement) - 65.0 acres
-  Restored Micro-Topography (Wetland Restoration) - 13.5 acres
-  Restored Micro-Topography (Wetland Restoration) - 24.1 acres
-  Wet Area (Bottomland Hardwood Wetland Enhancement) - 193.9 acres
-  Transmission Line Easement - 5.0 acres
-  Drainage Easement - 53.7 acres
-  Property Boundary - 280.9 acres

Figure 2
Restoration Plan and Existing Easements




ARDOT - Environmental GIS - Reed
October 30, 2018

Photography: January 2017



Figure 4
Historic Imagery

 Property Boundary

N
0 500 1,000
Feet
ARDOT - Environmental GIS - Reed
September 7, 2018

Photography Date: March 8, 1957

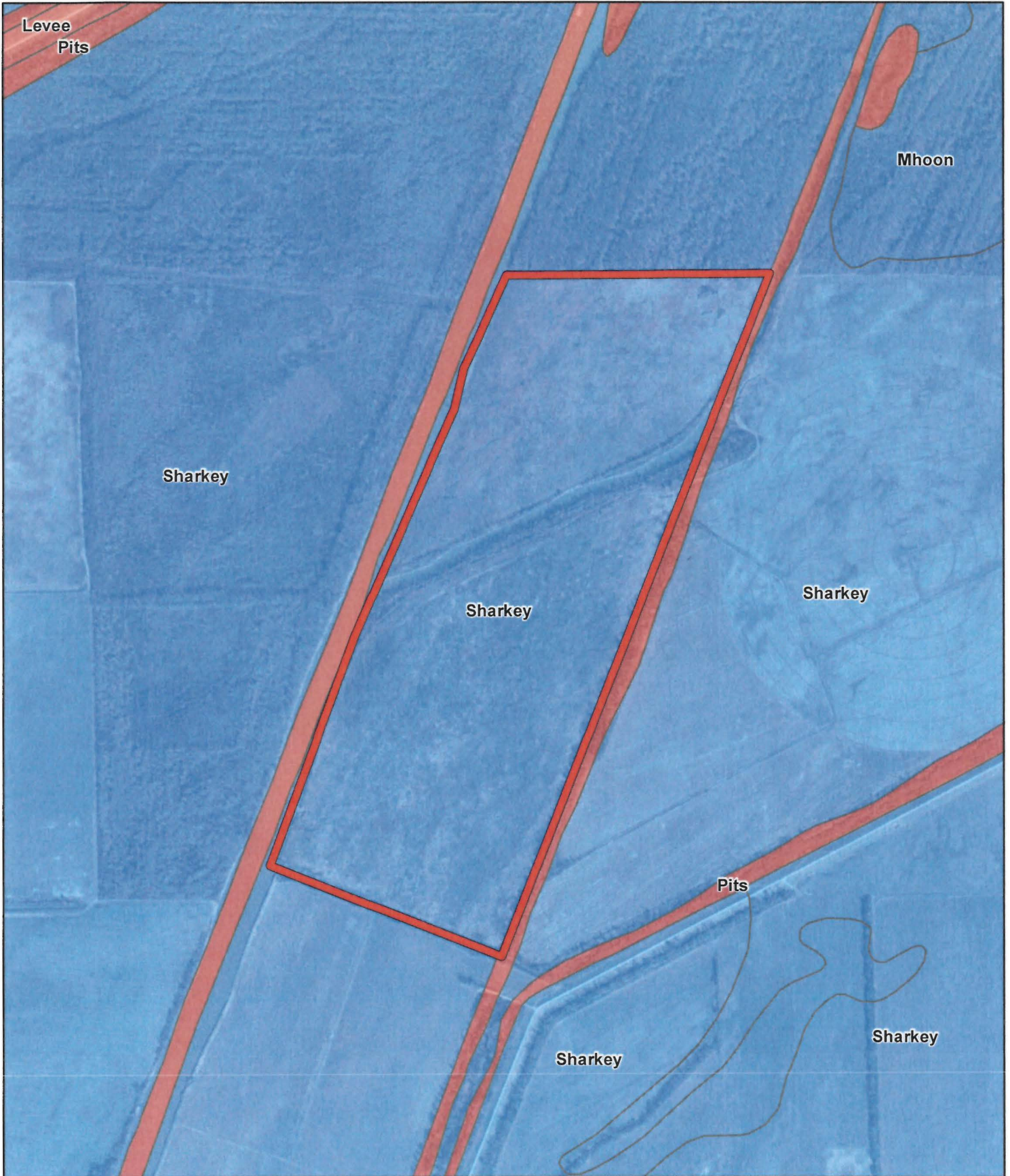



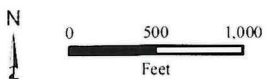


Figure 5
Soils

-  Property Boundary
-  Hydric
-  Not Hydric

Photography: NAIP Summer 2015



ARDOT - Environmental GIS - Reed
September 7, 2018

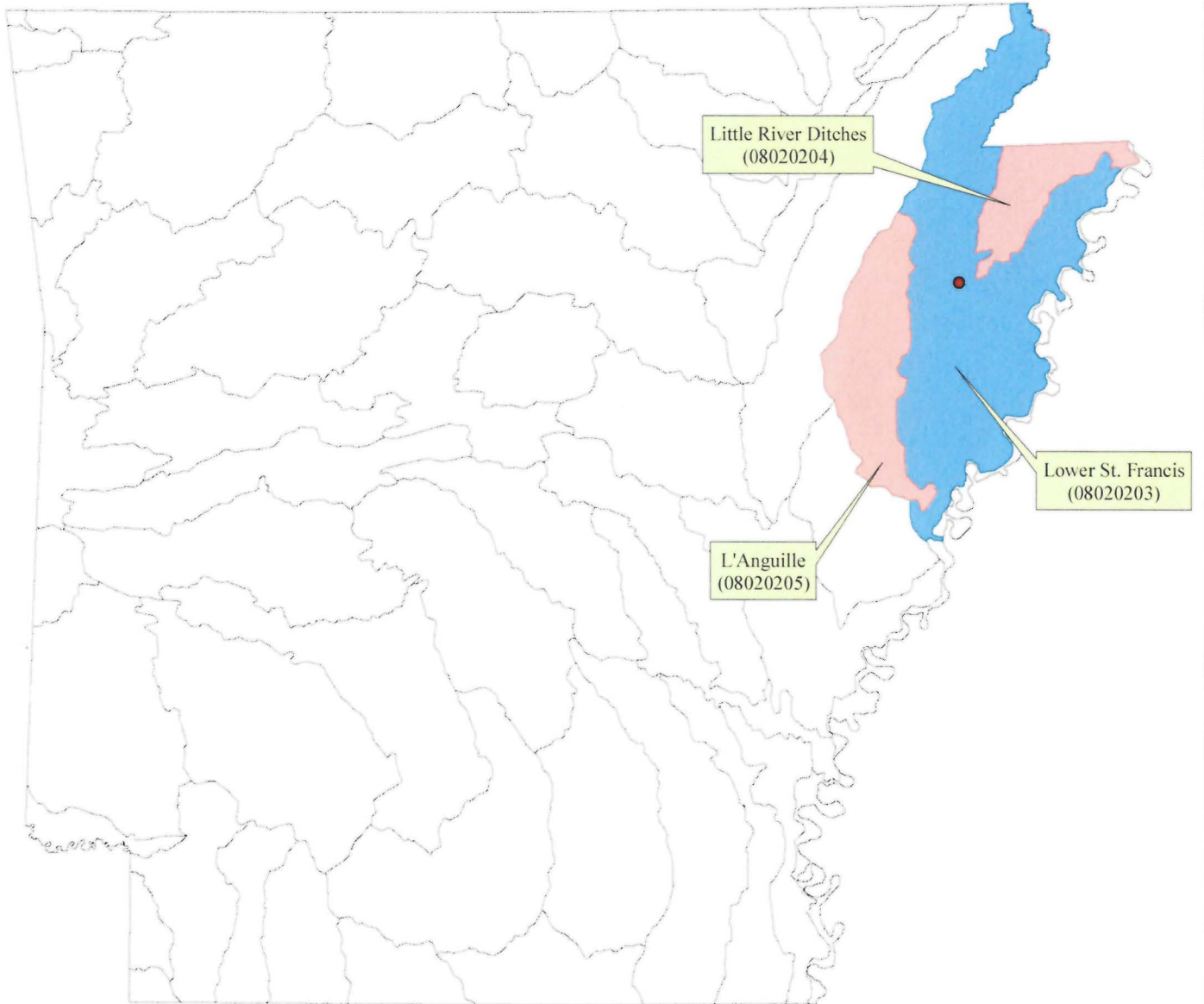


Figure 3
Proposed Service Area

