



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Permit Application No. MVM 2018-00289

Published: July 15, 2025

Expires: July 30, 2025

TO WHOM IT MAY CONCERN: The Little Rock District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344). A public notice for this project was previously published in March 2023. Since that time, there have been some minor changes to the acreages. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Arkansas Department of Transportation (ARDOT)
PO Box 2261
Little Rock, Arkansas 72203-2261

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the St. Francis River. The proposed project is 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.

PROPOSED WORK: Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that ARDOT has requested authorization for work in waters of the United States associated with establishing a wetland mitigation bank. The proposed 280.9-acre site is located at the south end and immediately adjacent to the Arkansas Game and Fish Commission (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, 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 ARDOT 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 231.4 acres of bottomland hardwood and open wetlands. This would include enhancing 133.2 acres of bottomland hardwood wetlands and 60.7 acres of

open wetland habitat, and restoring 37.5 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 60.7 acres of open wetland habitat will be enhanced by nonnative species removal and approximately 37.5 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 60.7 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 280.9-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 49.5 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 231.4 acres eligible for wetland enhancement and restoration. The site was previously in agriculture production but has been fallow for approximately ten years. The site is currently dominated by a mix of herbaceous vegetation. Frequent flooding and controlled burns have prevented any large woody vegetation from becoming established. The IRT has visited the site and agrees 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: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USF&WS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the

vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or 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. Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Federal Highway Administration (FHWA) is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by ARDOT acting on behalf of the FHWA.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The project, if approved, would be authorized with a general water quality certification in accordance with Nationwide Permit No. 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities).

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Little Rock District will receive written comments on the proposed work, as outlined above, until July 30, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Johnny McLean at Johnny.L.McLean@usace.army.mil. Alternatively, you may submit comments in writing to Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

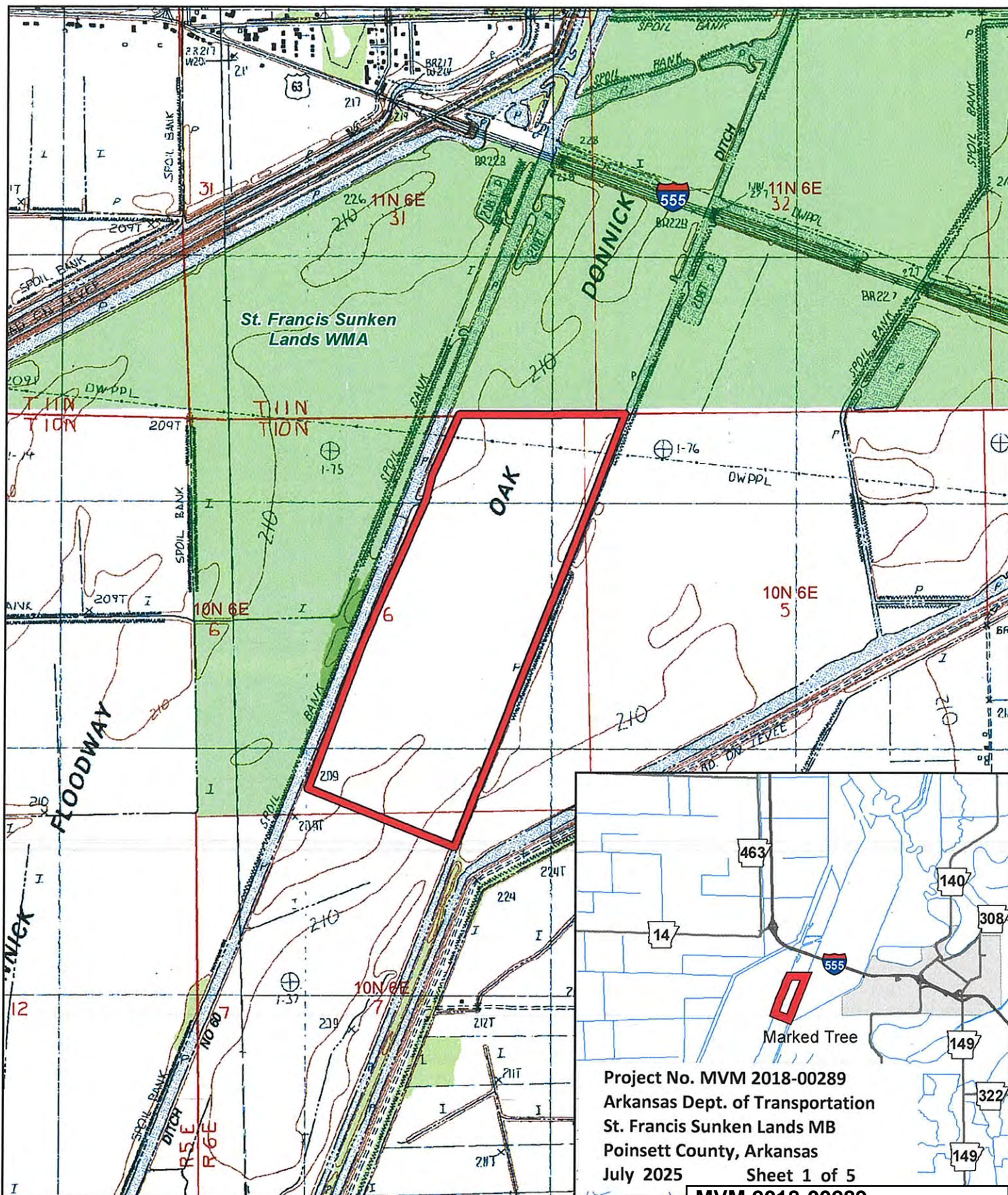
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

Approximate Coordinates of Project Center

Latitude: **35.523841°** Longitude: **-90.488867°**

UTM Zone: **15N** North: **3934041** East: **727702**



ARDOT - Environmental GIS - Reed
September 7, 2018

Figure 1
St. Francis Sunken Lands
Proposed Mitigation Bank

MVM 2018-00289
ARDOT
Mitigation Bank
Secs 5, 6, & 7, T. 10 N., R. 6 E.
July 2025 **Page 1 of 5**

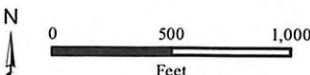
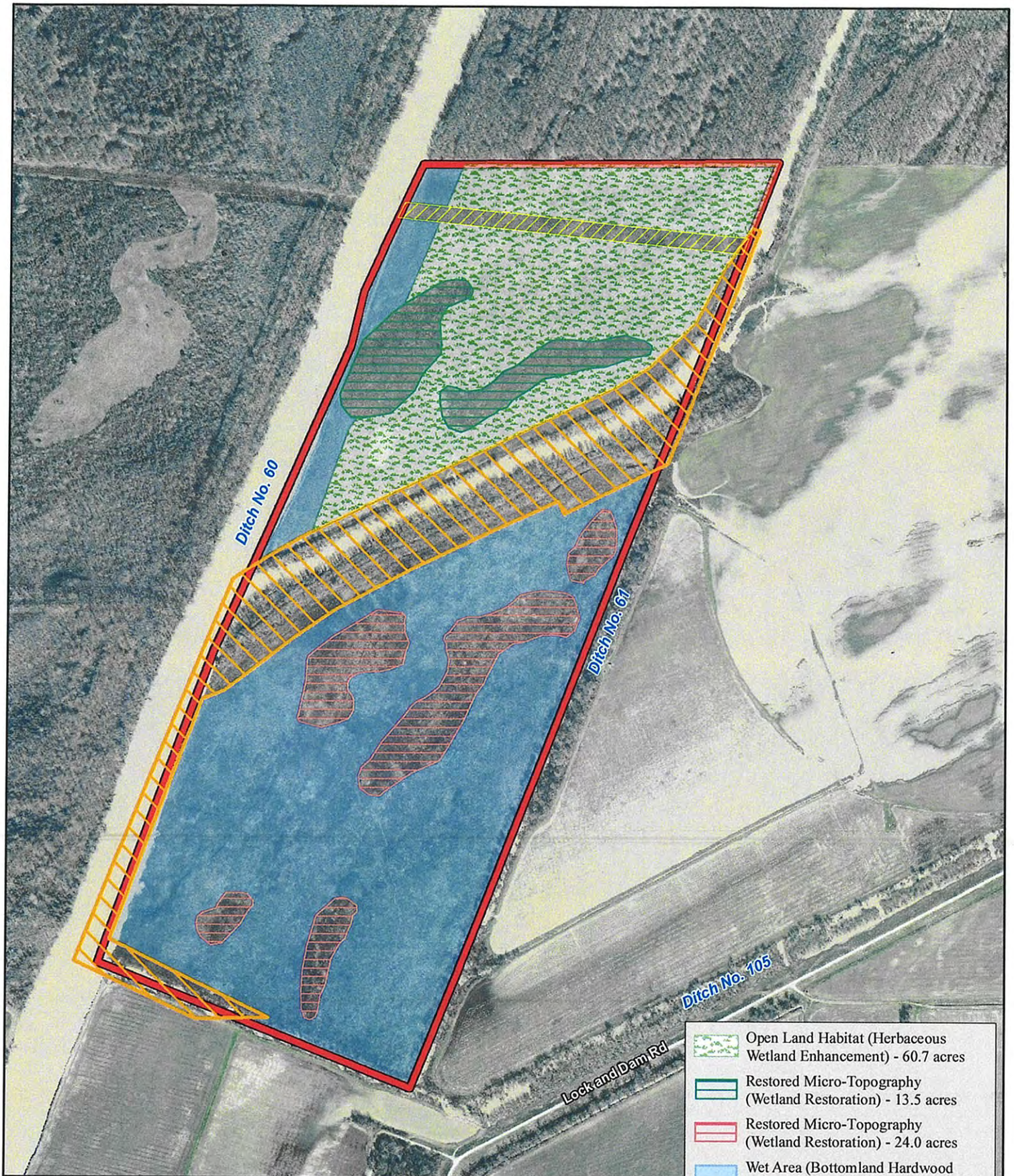


Figure 2
Restoration Plan and
Existing Easements

ARDOT - Environmental GIS - Reed
May 20, 2025

- Open Land Habitat (Herbaceous Wetland Enhancement) - 60.7 acres
- Restored Micro-Topography (Wetland Restoration) - 13.5 acres
- Restored Micro-Topography (Wetland Restoration) - 24.0 acres
- Wet Area (Bottomland Hardwood Wetland Enhancement) - 133.2 acres
- Transmission Line Easement - 5.0 acres
- Drainage Easement - 44.5 acres
- Property Boundary - 280.9 acres

Photography: 2023



0 500 1,000
Feet

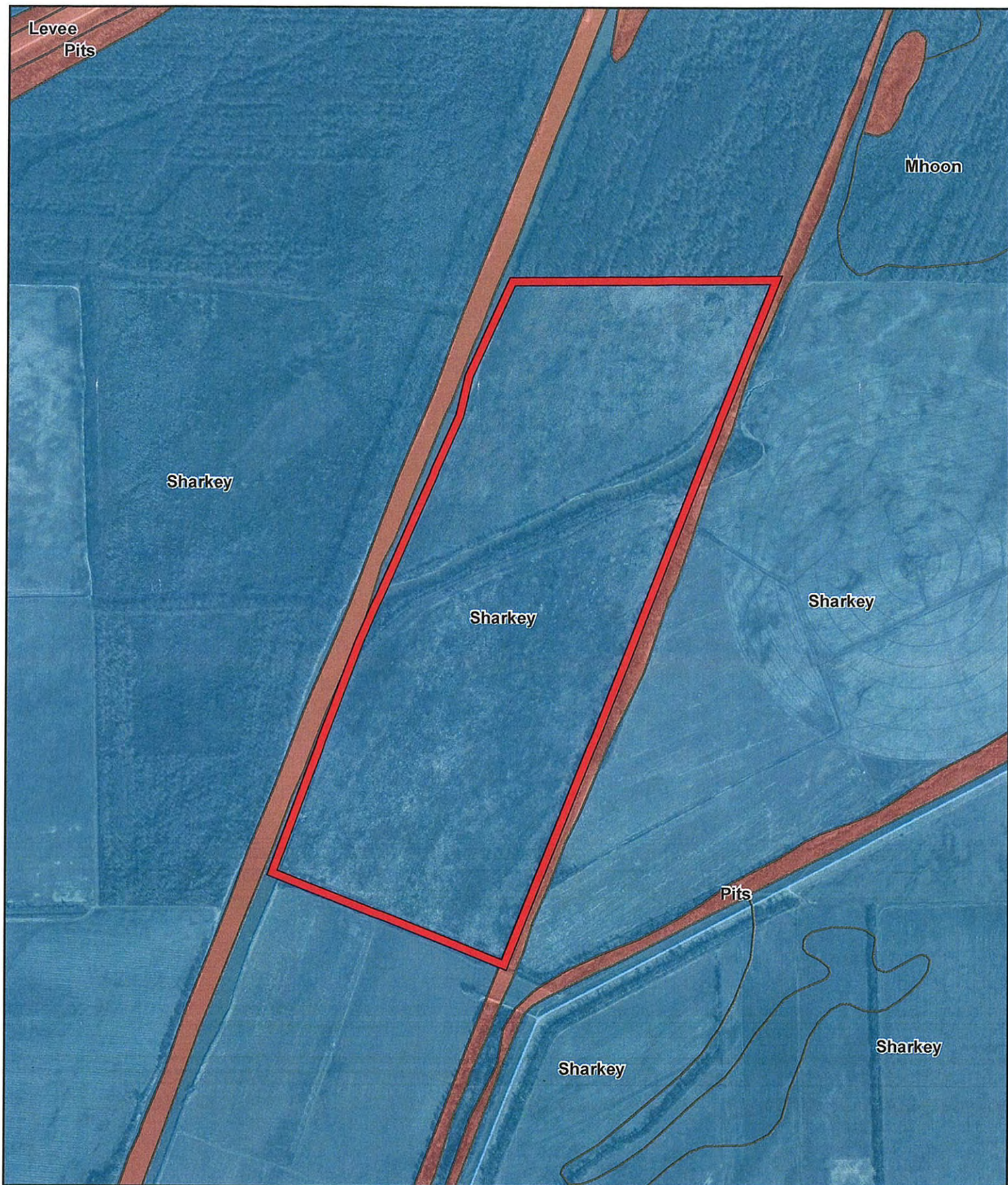
ARDOT - Environmental GIS - Reed
September 7, 2018

Figure 4
Historic Imagery



Property Boundary

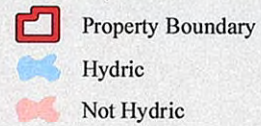
Photography Date: March 8, 1957



0 500 1,000
Feet

ARDOT - Environmental GIS - Reed
September 7, 2018

Figure 5
Soils



Photography: NAIP Summer 2015

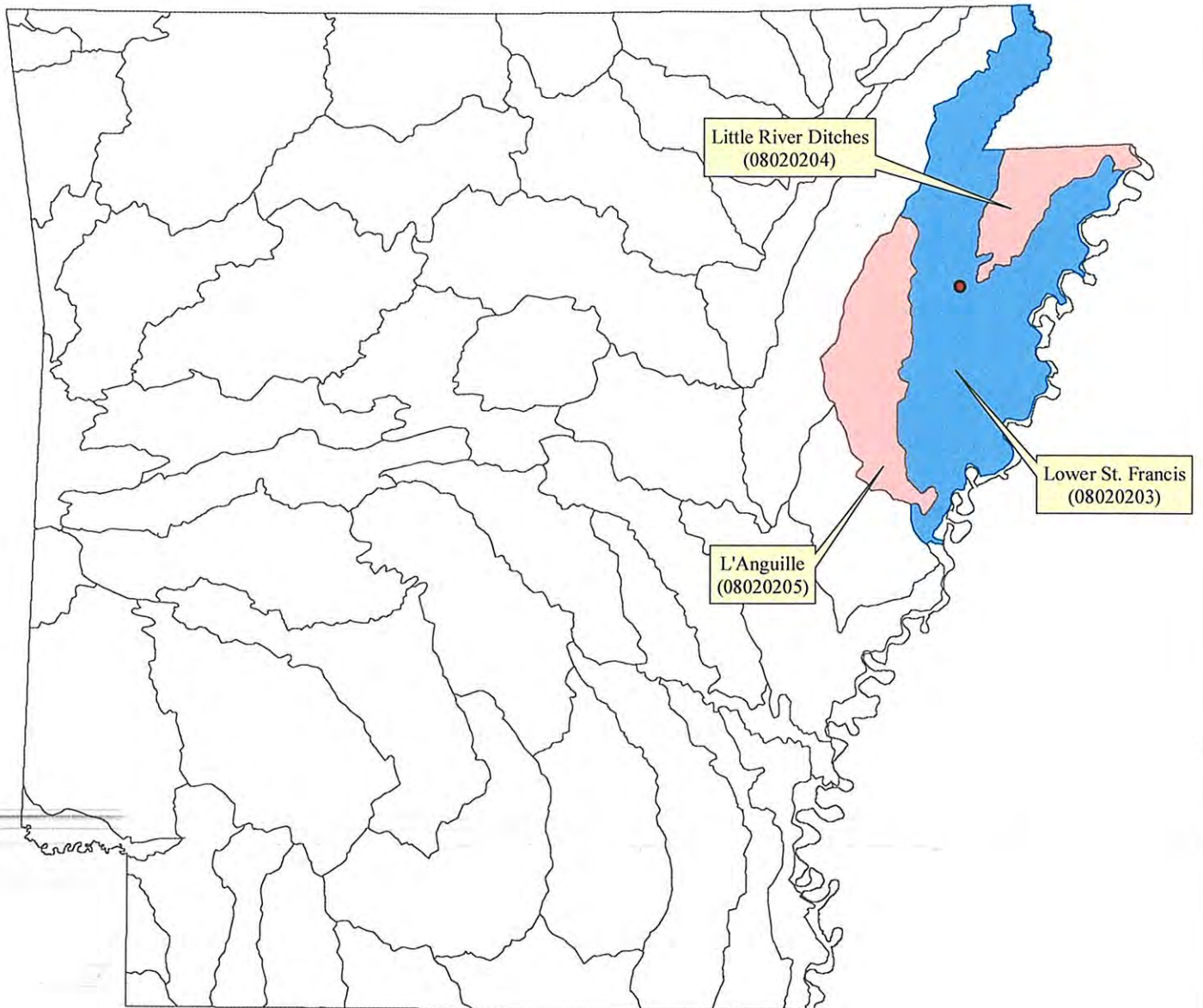


Figure 3
Proposed Service Area



0 10 20
Miles

ARDOT - Environmental GIS - Reed
September 7, 2018

