



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2023-00246

Date: October 19, 2023

Comments Due: November 13, 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) 324-5295, 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

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

**John T Fleming
Arkansas Department of Transportation (ArDOT)
10324 I-30
Little Rock, AR 72205**

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with constructing a new approximate 0.90-mile-long roadway and improvements to Highway 10 (Excelsior Road), West Elm Street, East Center Street and Highway 96, in Greenwood, Arkansas. The proposed project is commonly referred to as the Greenwood Bypass and is located in the City of Greenwood, in sections 7, 11, 12, 14 and 15, T. 6 N., R. 31 W., Sebastian County, Arkansas.

The project purpose is to improve traffic conditions in Greenwood, Arkansas.

The project would be constructed under two ArDOT jobs, 040861 and 040862, and would expand and enhance existing Highway 10, West Elm Street and Center Street. Job 040862 would improve existing Highway 10 from the intersection of Cocker Street and West Elm Street to the intersection of Highways 10 and 71. ArDOT proposes the roadway (Highway 10) be expanded to four 11-foot-wide travel lanes with a 12-foot-wide two-way left-turn (TWLT) lane, curb and gutter, a 5-foot-wide sidewalk with a 3-foot-wide grass berm on the south side, and a 10-foot-wide shared use path with a 6-foot-wide grass berm on the north side. Job 040861 would widen Center Street from immediately east of the town square to approximately 400 feet east of the intersection of Center Street and Highway 96. Center Street would be expanded to two 12-foot-wide travel lanes and TWLT lane with curb and gutter, a 10-foot-wide shared-use path with a 6-foot-wide grass berm on the north side, an 8-foot-wide grass berm on the south side, and the replacement of two existing bridges spanning Heartsill Creek and Vache Grasse Creek.

Additionally, under Job 040861, ArDOT would construct an approximate 0.90-mile-long new roadway from the intersection of South Elm Street and Fowler Street, through West Elm Street south of downtown Greenwood, and to Highway 96, terminating after approximately 600 feet onto Highway 96. Specifically, the new roadway is proposed to consist of four 11-foot-wide travel lanes with a 12-foot-wide TWLT lane, curb and gutter, 5-foot-wide sidewalks with 3-foot-wide grass berms on both sides of the roadway, and three new bridges spanning Heartsill Creek, a tributary of Heartsill Creek and Vache Grasse Creek. The new roadway proposal also consists of a new throughway from the new (unnamed) roadway to South Main Street, providing an alternate means to access downtown Greenwood. The throughway to South Main Street would consist of two 14-foot-wide lanes with curb and gutter and 5-foot-wide sidewalks with 3-foot-wide grass berms.

The proposed project includes expanding and enhancing associated infrastructure along with the roadways. ArDOT would install new traffic signals at the intersections of Highway 10, Center Street and Highway 96, and at the intersection of Highway 10 and Highway 71, and extend and replace stormwater management infrastructure along the entire route.

The project is located within the Upper Vache Grasse Creek watershed and would permanently adversely impact approximately 5.7 acres of wetlands and 2,283.3 linear feet of streams for embankment fill, right-of-way clearing, and bridge and culvert construction. Also, approximately 167 linear feet (0.13 acres) of streams would be temporarily impacted for work road construction at the five bridge locations. Named streams include Vache Grasse Creek and Heartsill Creek. ArDOT proposes to purchase 50.63 wetland credits and 8,359.48 stream credits from a mitigation bank that services the watershed to compensate for the unavoidable impacts to aquatic resources.

ArDOT has determined that the following Federally recognized threatened and endangered species may be present in the project area: the endangered Indiana Bat (*Myotis sodalis*), the endangered Northern Long-eared Bat (*Myotis septentrionalis*), the proposed endangered Tricolored Bat (*Perimyotis subflavus*), the threatened Eastern Black Rail (*Laterallus jamaicensis* ssp. *jamaicensis*), the threatened Piping Plover (*Charadrius melodus*), the threatened Red Knot (*Calidris canutus rufa*), the proposed threatened Alligator Snapping Turtle (*Macrochelys temminckii*), the threatened American Burying Beetle (*Nicrophorus americanus*) and the candidate Monarch Butterfly (*Danaus plexippus*).

ARDOT has determined that the Eastern Black Rail, Northern Long-eared Bat and Indiana Bat may be affected by the proposed project but are not likely to be adversely affected. Additionally, ARDOT has determined the Alligator Snapping Turtle and the Tricolored Bat may be impacted by the project but the project is not expected to jeopardize the continued existence of the species. The Monarch Butterfly is not Federally protected under the Endangered Species Act; however, ArDOT has proposed planting native wildflower post-construction to protect its continued existence and range. Lastly, ArDOT has determined the proposed project would have no effect on the Piping Plover and Red Knot due to the lack of habitat and distance to known populations.

The proposed project would require the acquisition of approximately 48 acres of right-of-way and eight property relocations. Proposed relocations include seven residences and one business.

It is not anticipated that any low-income, minorities or disabled persons would be displaced; however, it is estimated that one elderly residential person would be displaced by the project. Relocation activities are governed by the Federal Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, which ensures that appropriate housing is available and offered to displaced residents prior to project construction.

ArDOT stated that local traffic capacity would be improved by widening Highway 10 and Center Street, and improving their respective intersections with Highways 71 and 96. The new proposed roadway and bridges would be partially access controlled, allowing through traffic to avoid the central business district (CBD) and connecting directly to Center Street and Highway 96. The proposed new roadway avoids the CBD and more directly connects Highway 10 to Highway 96. The new route would also provide a partially-controlled access section, thereby reducing congestion within the CBD. The proposed travel and turn lanes are planned to improve roadway capacity, distribute traffic volume across multiple routes and result in reduced congestion and travel delays. The additional bridging across Heartsill and Van Grasse Creeks is planned to improve system connectivity, mobility and resiliency. Incidents such as periodic maintenance, extreme weather events and vehicle crashes currently impede traffic flow, including emergency vehicles, on the current two-lane roadway (Center Street) crossing the creeks. ArDOT further states that constructing wider bridges, sidewalks, bicycle lanes and a shared-use path would improve pedestrian and bicycling travel and safety, and support the Greenwood Master Pedestrian and Bicycle Facilities Plans goals. The provision of wider bridges with shoulders would also enhance pedestrian travel and safety by allowing walkers to avoid using the vehicular travel lanes. ArDOT completed the Environmental Assessment (EA) for the project in February 2023, and the Finding of No Significant Impact (FONSI) was approved by the FHWA in June 2023.

The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 13 of 13.

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 and the National Register of Historic Places, and completed a Cultural Resources Study for the project 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 may affect but is not likely to adversely affect the Eastern Black Rail, Northern Long-eared Bat and Indiana Bat. Additionally, ArDOT has determined the proposed project would have no effect on the Piping Plover and Red Knot. Further, ArDOT determined the project may impact but will not jeopardize the existence of the Alligator Snapping Turtle and Tricolored Bat. 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. ArDOT determined that the project will impact the 100-year floodplain associated with Heartsill Creek and Vache Grasse Creek. 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 **November 13, 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: Project Maps and Figures

Approximate Coordinates of Project Center

Latitude: **35.206913°** ° Longitude: **-94.259708°**

UTM Zone: **15S** North: **3896710.75** East: **385334.36**

Job 040862
Highway 71 - Coker Street
(Widening) (Greenwood)
Sebastian County



Job 040861
Highway 10 - Highway 96
(Greenwood Bypass)
Sebastian County



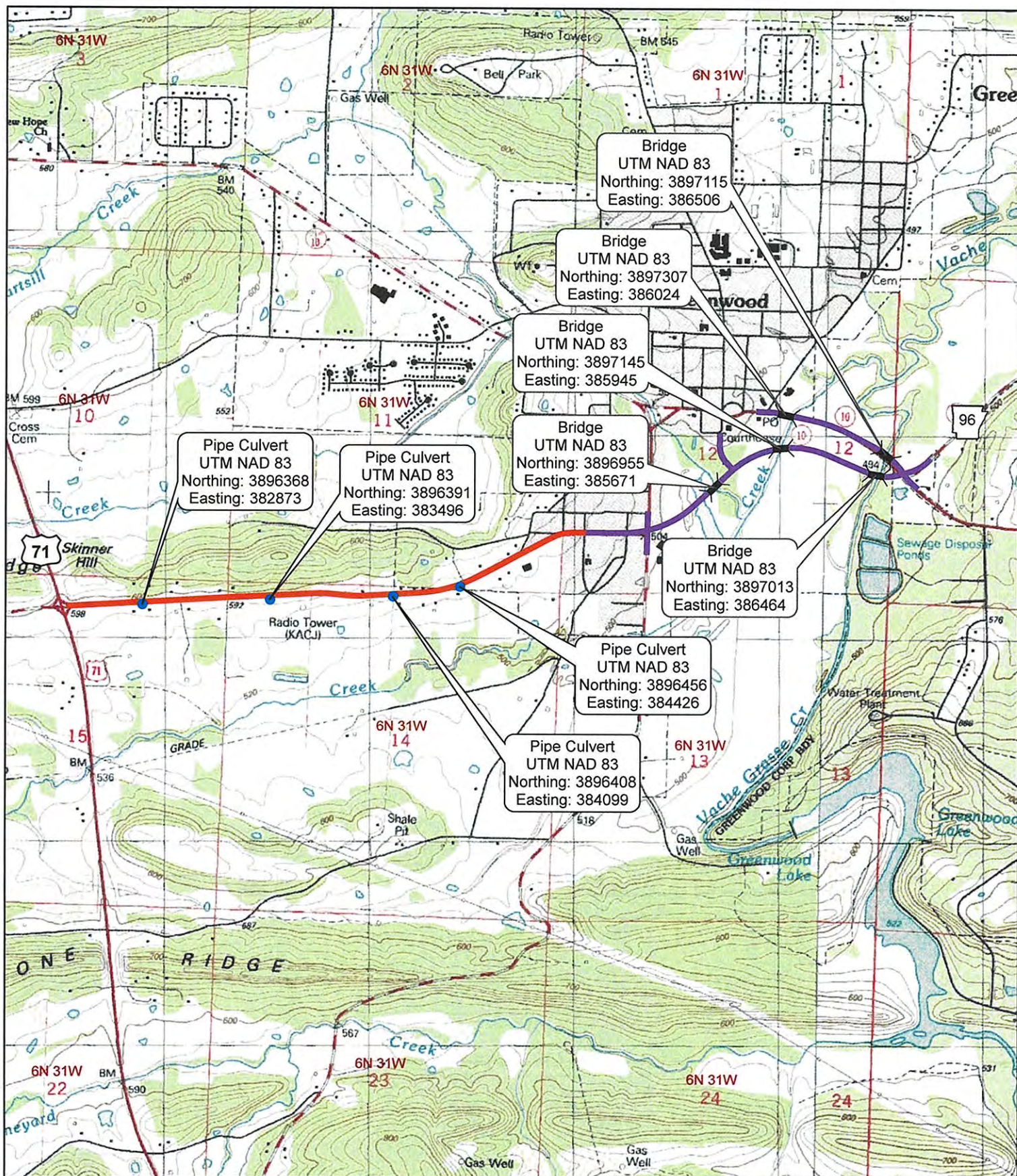
Project No. SWL 2023-00246
Arkansas Dept. of Transportation
Greenwood Bypass
Sebastian County
October 2023 Sheet 1 of 13

— Job 040861
— Job 040862

0 500 1,000 Feet

AR DOT - Environmental GIS - Dudley
Map: March 3, 2023



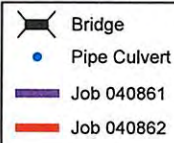


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Feet

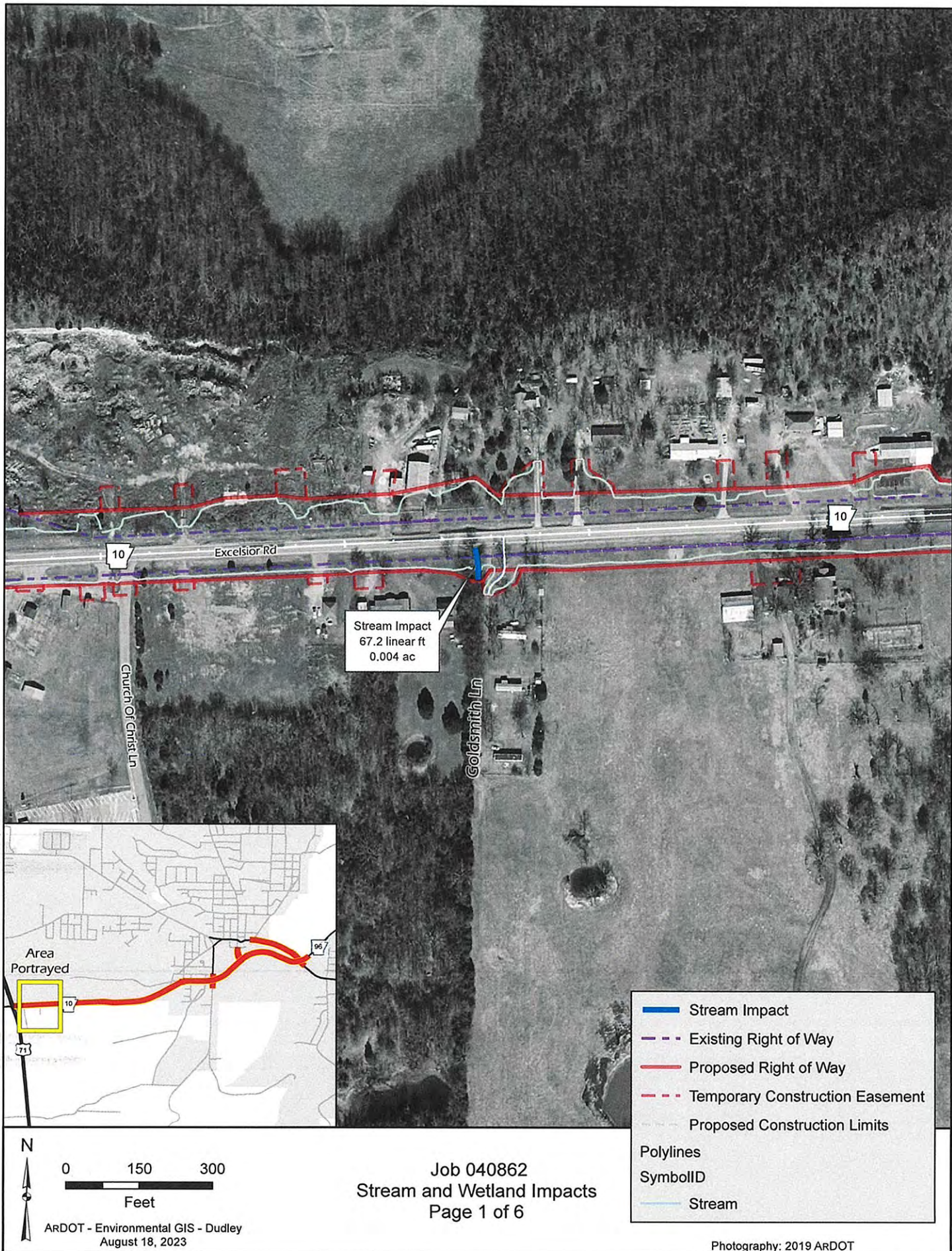
ARDOT - Environmental GIS - Dudley
October 12, 2023

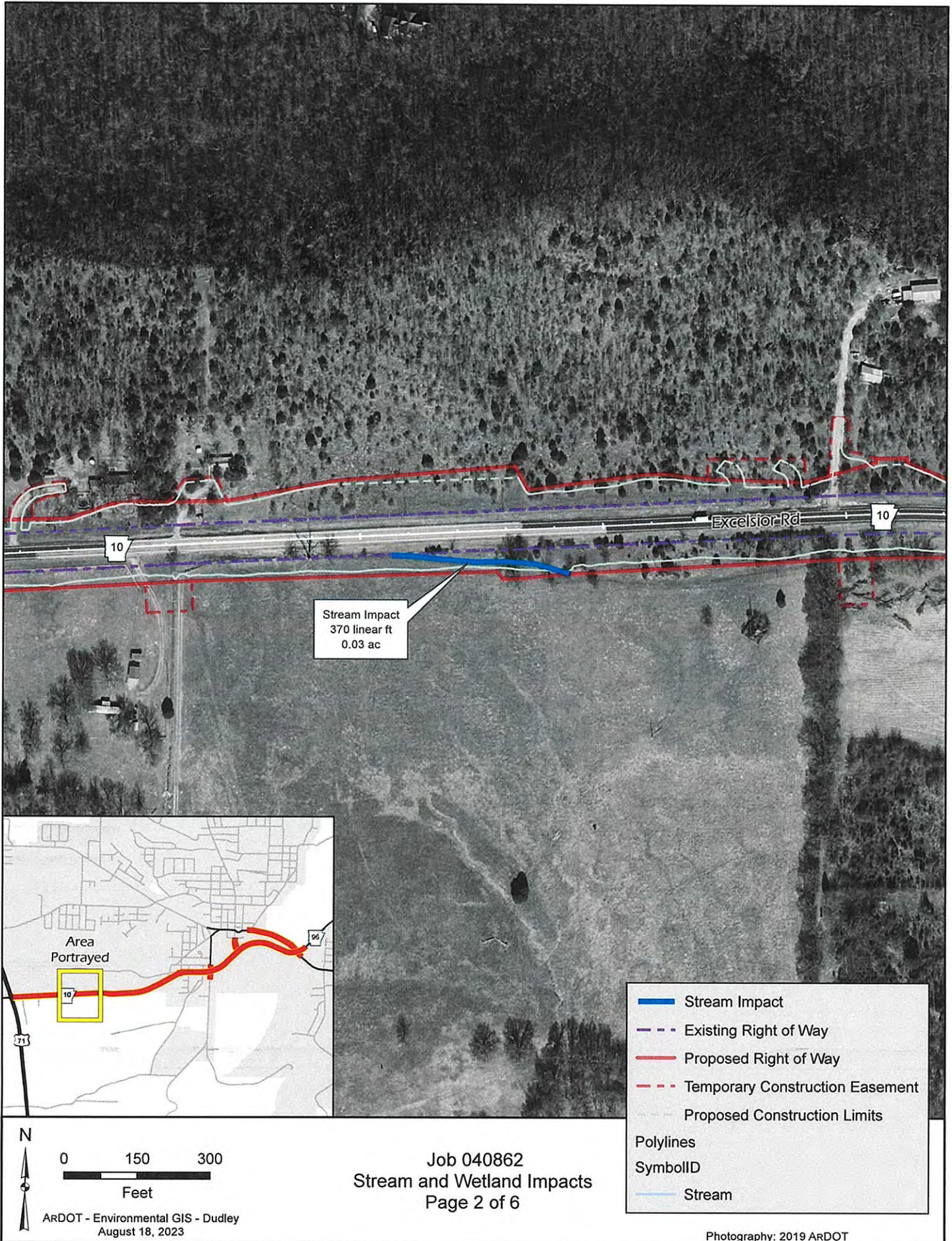
Job 040862
Hwy. 71 - Coker St. (Widening)
(Greenwood)
Sebastian County

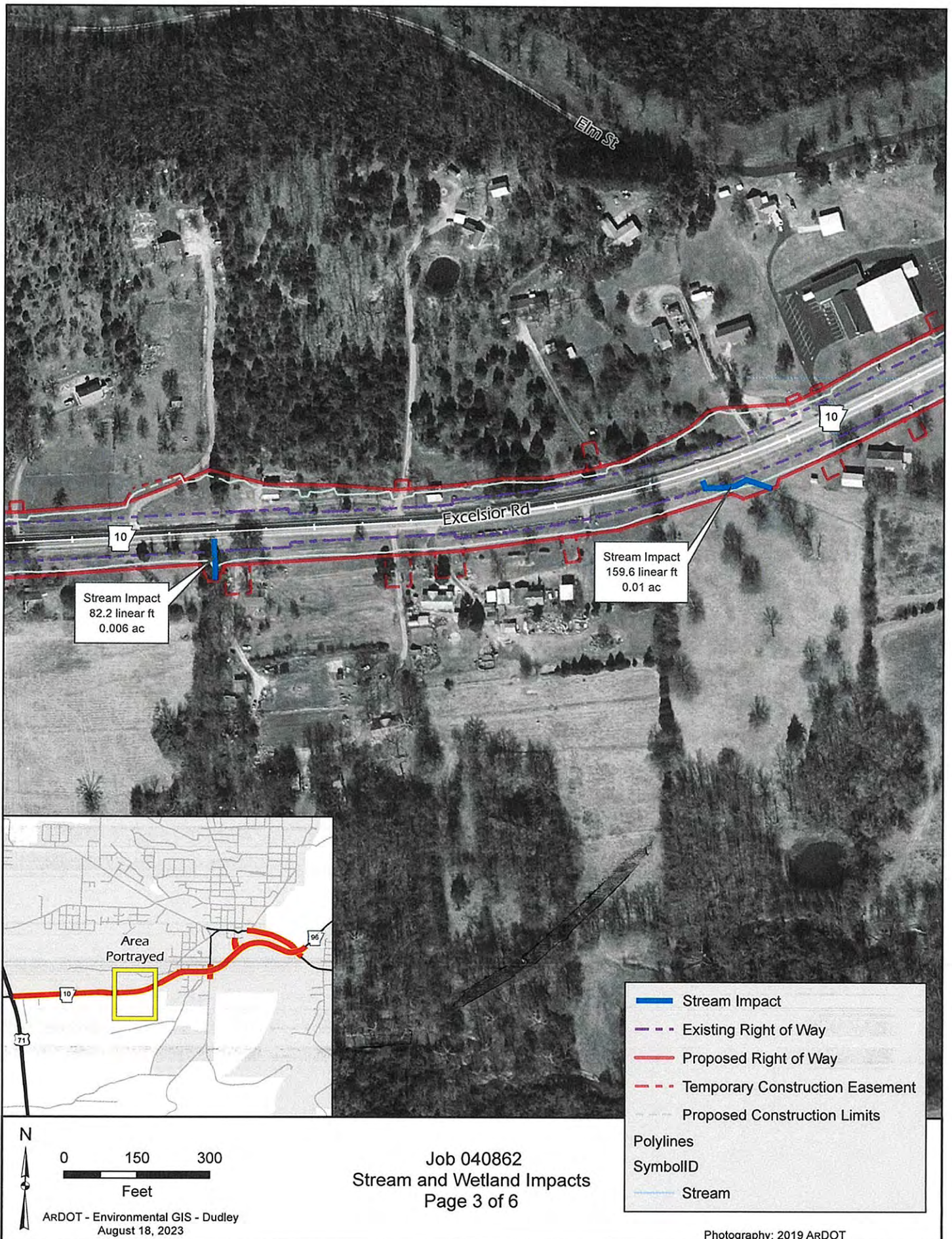
Job 040861
Hwy. 10 - Hwy. 96
(Greenwood Bypass)
Sebastian County

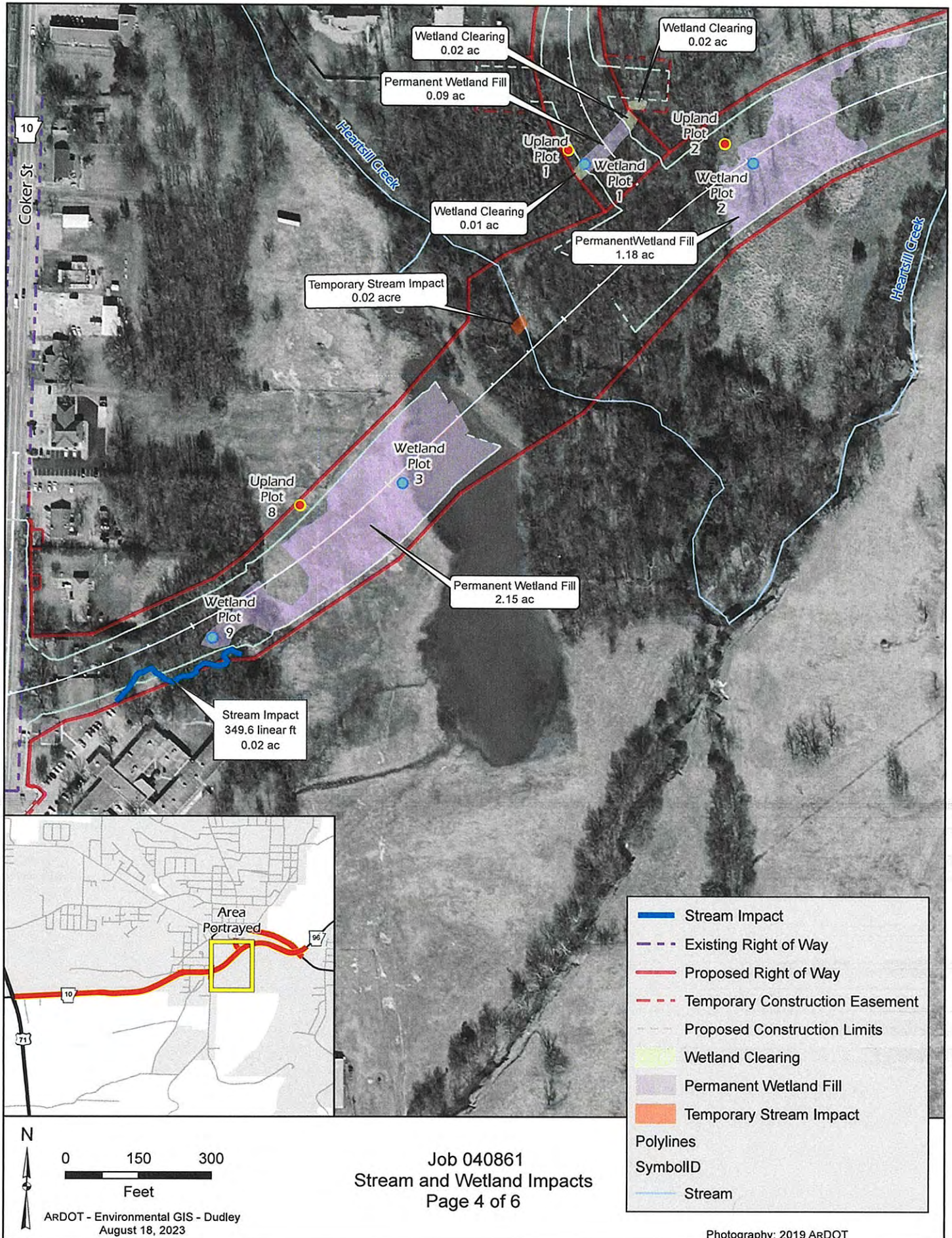


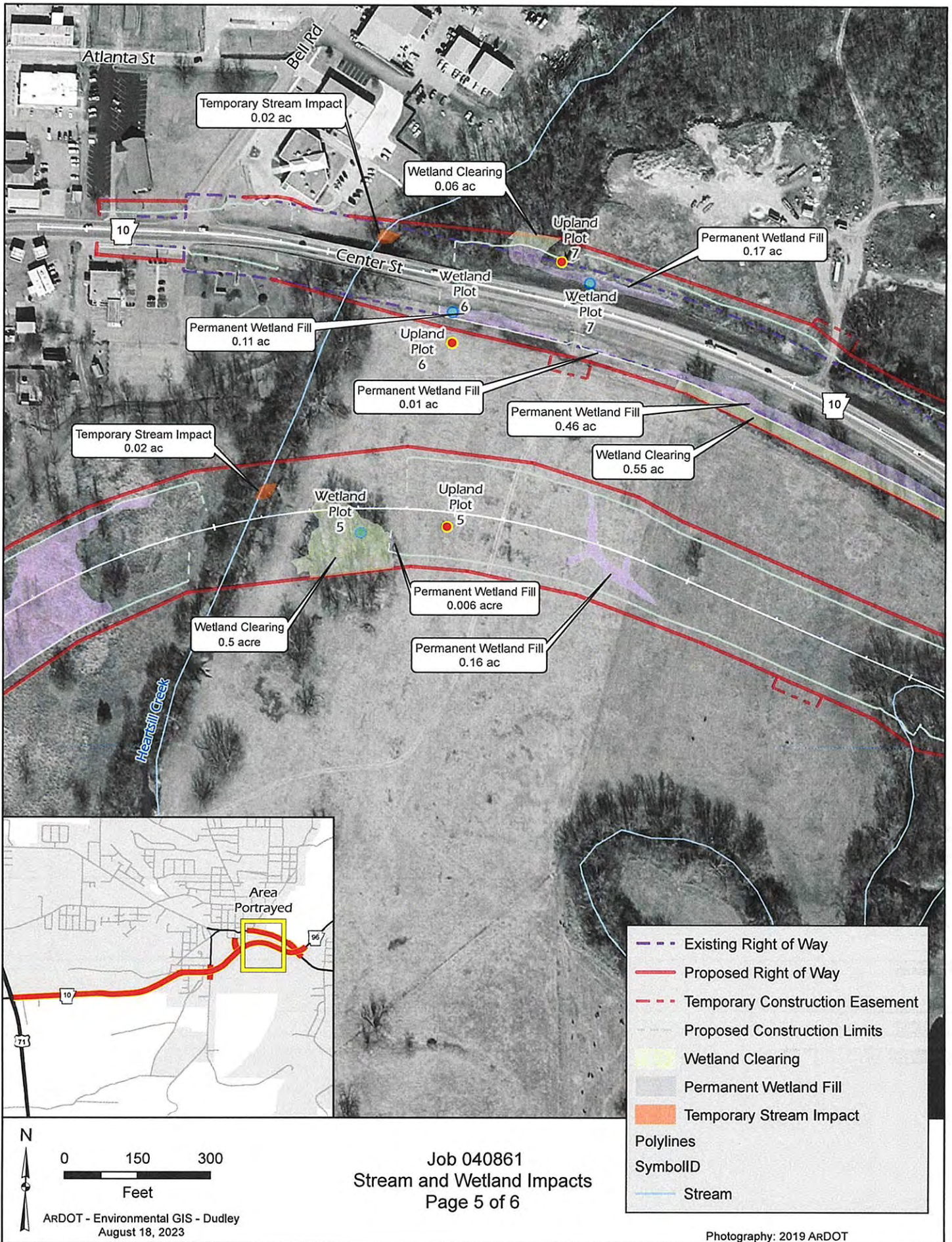
USGS Topographic Maps:
Burnville 1995; Greenwood 1995

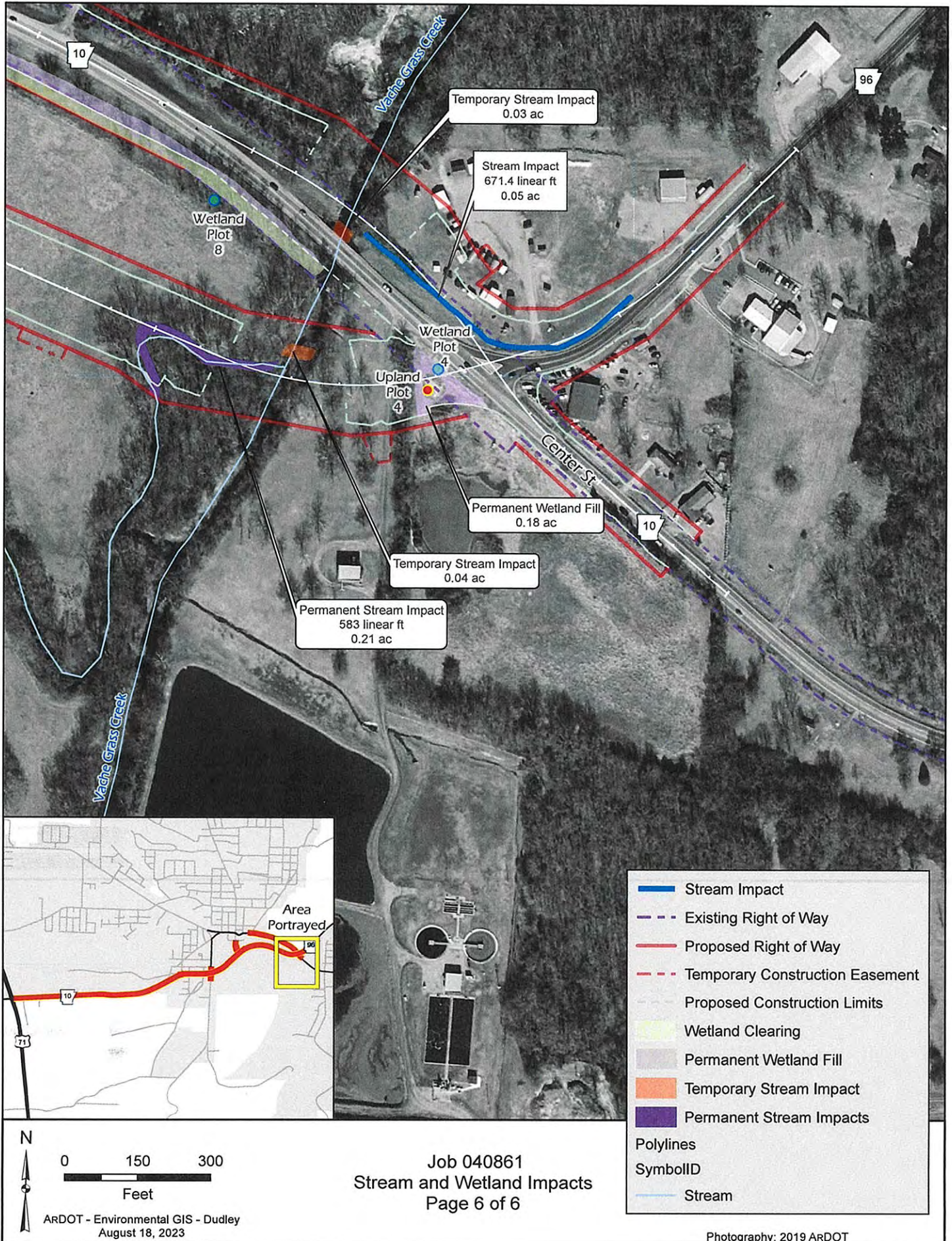


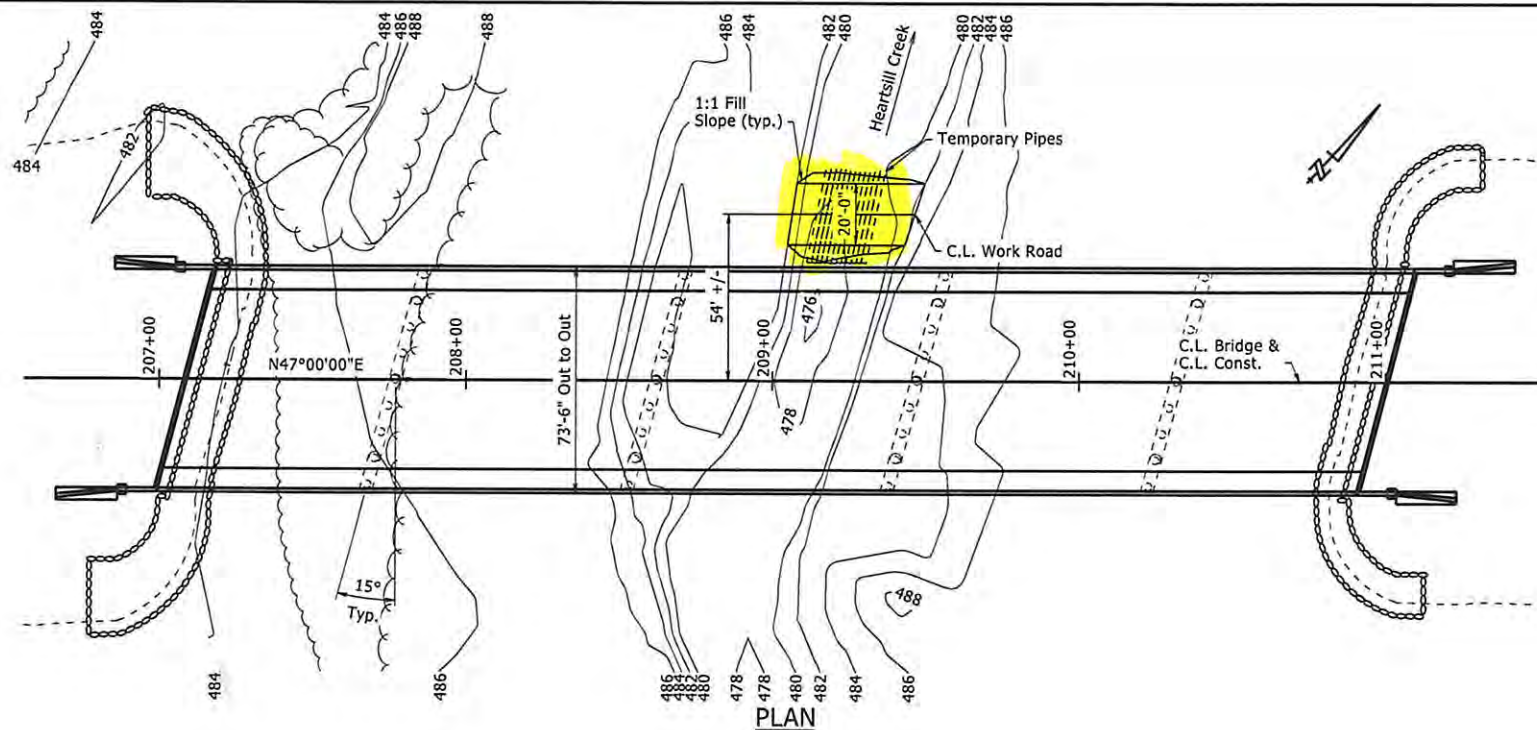








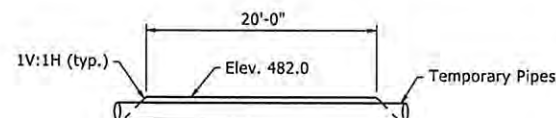




The temporary fill to construct the work road(s) shown has been permitted to facilitate construction of the project. The Contractor shall determine and provide temporary culverts of a size and number that will be sufficient to maintain low stream flows and assist passage of aquatic wildlife.

The Contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road(s) shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity of practicability of the request. A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road(s) increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road(s) submittals.

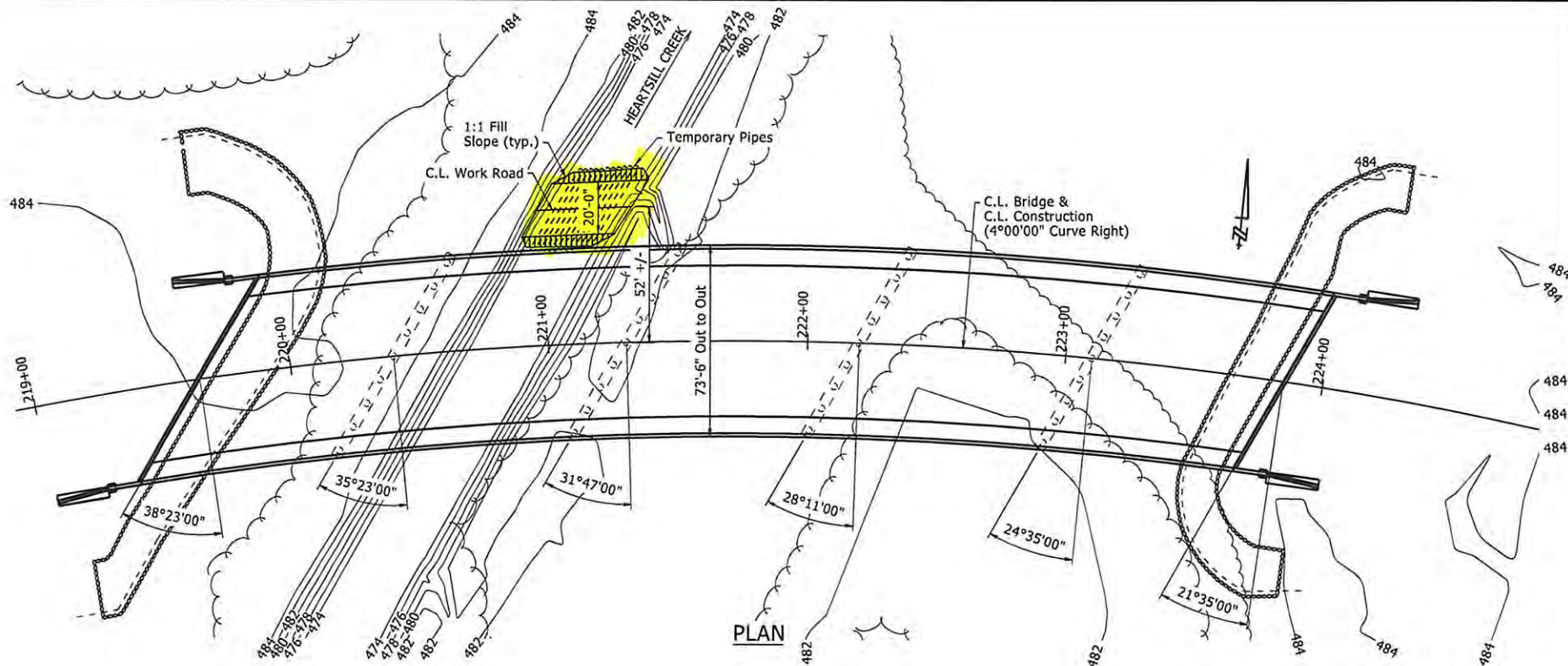
Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See SP Job 040861 "Construction in Special Flood Hazard Areas" and Section 110.05(c) in the Standard Specifications for additional information. The Contractor is responsible for maintenance of the work road(s) during the contract period.



**TYPICAL SECTION
OF WORK ROAD**

APPROXIMATE QUANTITIES (BELOW ELEVATION 481.0)	
Fill Area (SQ. FT.)	Fill Volume (CU. YD.)
930	65

**CONCEPTUAL WORK PLAN
FOR TEMPORARY FILL
HEARTSILL CREEK (SITE 1)
JOB NO. 040861**

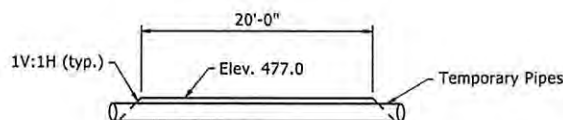


PLAN

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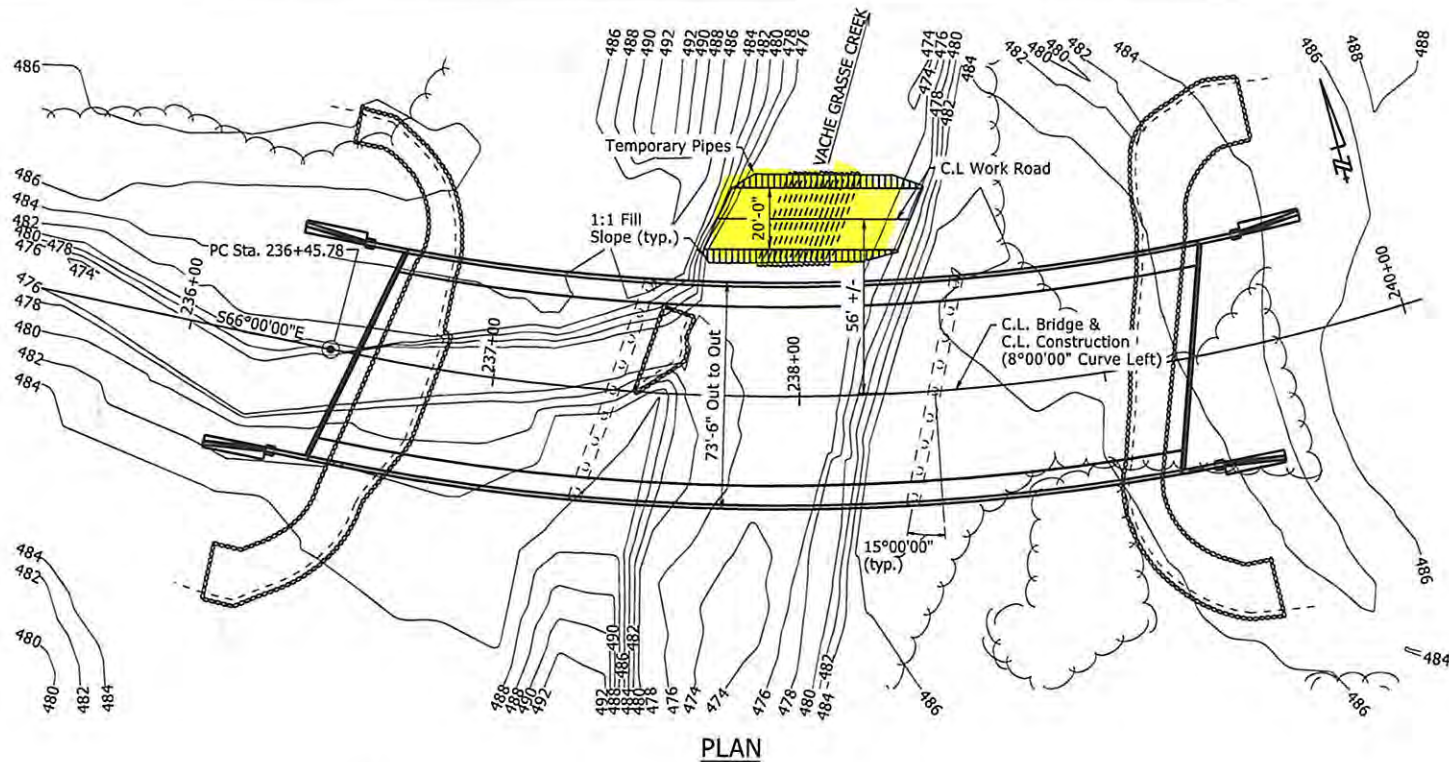
Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See SP Job 040861 "Construction in Special Flood Hazard Areas" and Section 110.05(c) in the Standard Specifications for additional information. The Contractor is responsible for maintenance of the work road(s) during the contract period.



TYPICAL SECTION
OF WORK ROAD

APPROXIMATE QUANTITIES (BELOW ELEVATION 476.0)	
Fill Area (SQ. FT.)	Fill Volume (CU. YD.)
985	95

CONCEPTUAL WORK PLAN
FOR TEMPORARY FILL
HEARTSILL CREEK (SITE 2)
JOB NO. 040861

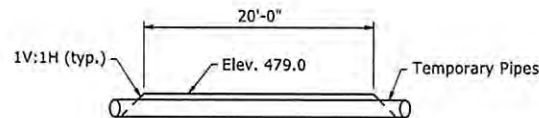


PLAN

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The Contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road(s) shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity of practicability of the request. A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road(s) increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road(s) submittals.

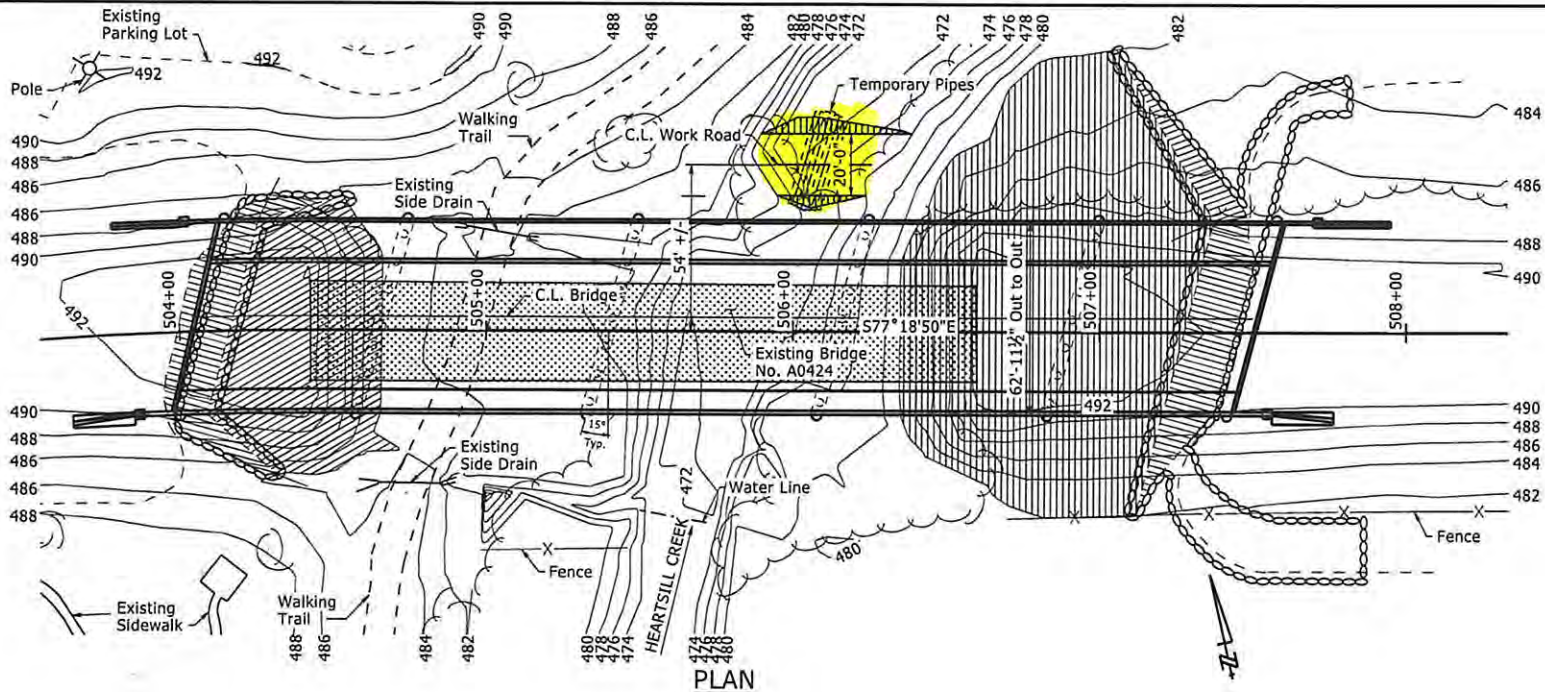
Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See SP Job 040861 "Construction in Special Flood Hazard Areas" and Section 110.05(c) in the Standard Specifications for additional information. The Contractor is responsible for maintenance of the work road(s) during the contract period.



TYPICAL SECTION
OF WORK ROAD

APPROXIMATE QUANTITIES (BELOW ELEVATION 478.0)	
Fill Area (SQ. FT.)	Fill Volume (CU. YD.)
1700	165

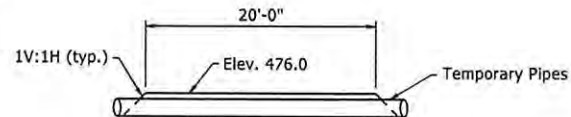
CONCEPTUAL WORK PLAN
FOR TEMPORARY FILL
VACHE GRASSE CREEK (SITE 3)
JOB NO. 040861



The temporary fill to construct the work road(s) shown has been permitted to facilitate construction of the project. The Contractor shall determine and provide temporary culverts of a size and number that will be sufficient to maintain low stream flows and assist passage of aquatic wildlife.

The Contractor may submit an alternative work road plan for approval by the Engineer showing details of and describing the proposed modifications. A primary objective of any proposed modifications should be to minimize the reduction of waterway opening in the floodplain. The top of the alternative work road(s) shall not exceed the elevation shown. A determination will be made by the Engineer within ten (10) business days concerning the necessity of practicability of the request. A modification of the Section 404 Permit and additional review time by the Corps of Engineers may be required if the alternative work road(s) increases the volume of temporary fill that has been permitted for the project. The contract time will not be extended for the time required to consider or approve any alternate work road(s) submittals.

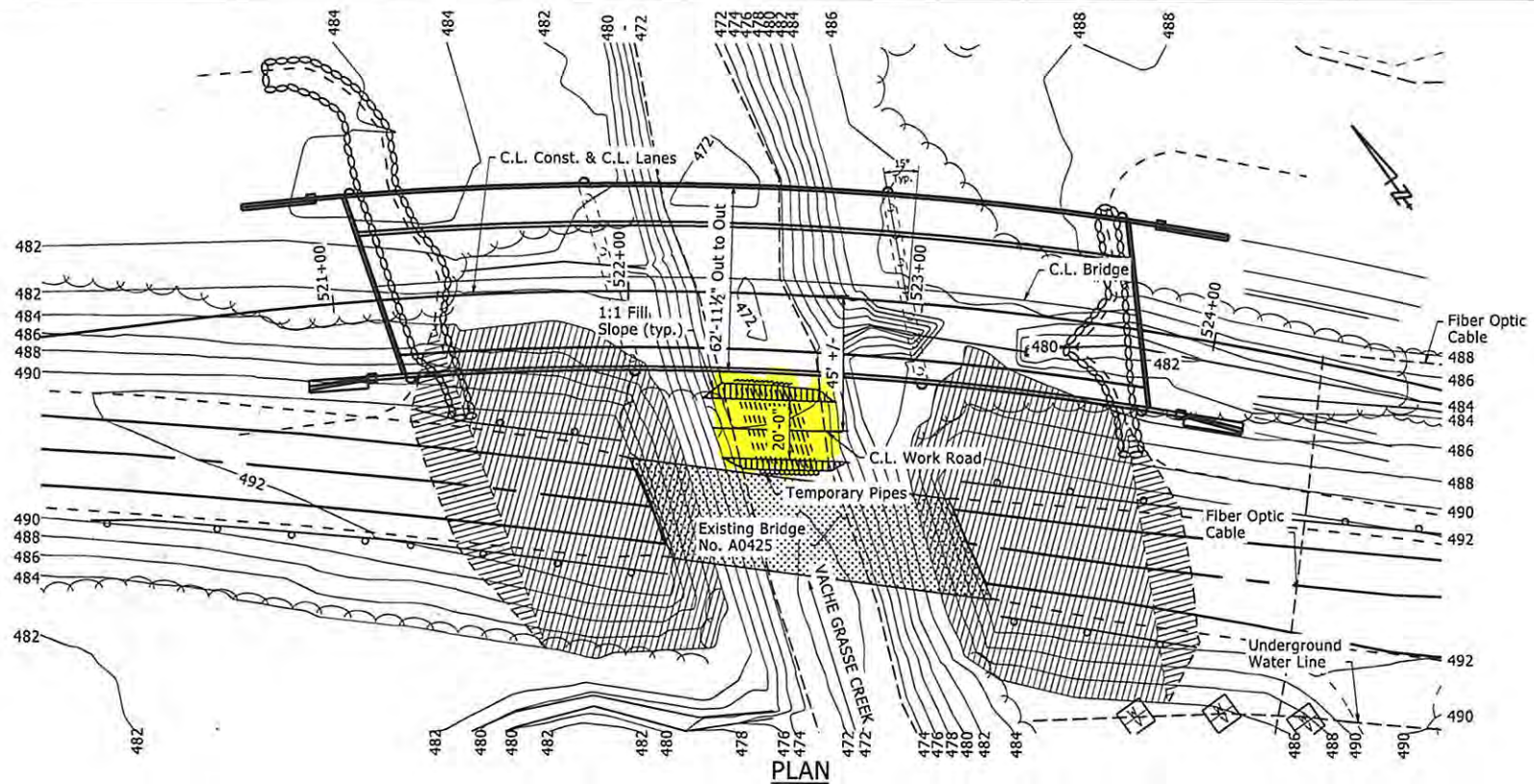
Any additional work or expenses incurred preparing, submitting, or completing the alternate work road plan shall be at no additional cost to the Department. See SP Job 040861 "Construction in Special Flood Hazard Areas" and Section 110.05(c) in the Standard Specifications for additional information. The Contractor is responsible for maintenance of the work road(s) during the contract period.



**TYPICAL SECTION
OF WORK ROAD**

APPROXIMATE QUANTITIES (BELOW ELEVATION 475.0)	
Fill Area (SQ. FT.)	Fill Volume (CU. YD.)
850	60

**CONCEPTUAL WORK PLAN
FOR TEMPORARY FILL
HEARTSILL CREEK (SITE 4)
JOB NO. 040861**

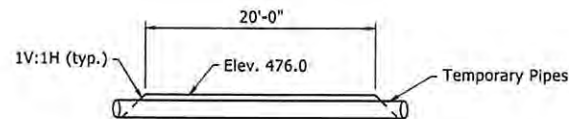


PLAN

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TYPICAL SECTION
OF WORK ROAD

APPROXIMATE QUANTITIES (BELOW ELEVATION 475.0)	
Fill Area (SQ FT.)	Fill Volume (CU. YD.)
1110	95

CONCEPTUAL WORK PLAN
FOR TEMPORARY FILL
VACHE GRASSE CREEK (SITE 5)
JOB NO. 040861