



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL-1776-06988

Date: April 27, 2018

Comments Due: May 22, 2018

TO WHOM IT MAY CONCERN: Comments are invited on a proposal by the Little Rock District, U.S. Army Corps of Engineers to officially exclude the White Oak Bayou watershed located in Pulaski County, Arkansas, from compensatory mitigation bank and in-lieu fee service areas unless the bank or in-lieu fee program is located within the White Oak Bayou watershed. Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the regulator, Jim Ellis, 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: Jim.D.Ellis@usace.army.mil

Background. White Oak Bayou is a large wetland complex located in the White Oak Bayou watershed (12-digit Hydrologic Unit Code (HUC) 111102070401). The watershed makes up less than 5 percent of the larger Lower-Arkansas Maumelle watershed (8-digit HUC 11110207). White Oak Bayou consists of numerous jurisdictional streams and wetlands regulated under the authority of Section 404 of the Clean Water Act (33 U.S. Code 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403). It is located in an urban area of Maumelle, Arkansas. It is unique in that it is located in an area that is densely populated and has been under heavy developmental pressure since the development of the City of Maumelle. The Bayou lies in close proximity to the Little Rock metropolitan area which supports a population of over 250,000 people (U.S. census 2008). Environmental agencies have discussed for years the need to take action to pursue the preservation of the natural high quality wetlands in White Oak Bayou. White Oak Bayou has been considered the most threatened wetland complex in the Little Rock District for many years.

In the early 1990's, the Little Rock District, U.S. Army Corps of Engineers decided to require any project that was issued a Corps permit located within the White Oak Bayou watershed and required compensatory mitigation, that mitigation must be located within the watershed and preservation could be used solely as the means of compensatory mitigation. In 2008, the Compensatory Mitigation for Losses of Aquatic Resources (The Mitigation Rule) was published in the Federal Register (33 CFR Parts 325 and 332) establishing the rules for providing compensatory mitigation and the process for the development of mitigation banks and in-lieu fee programs. Since then some mitigation banks within the Little Rock District were allowed to include the White Oak Bayou watershed as part of their service area. This decision deviated from the District's previous decision to require any permitted project located within the White Oak Bayou watershed and requiring compensatory mitigation to be mitigated within the White Oak Bayou watershed only.

Proposed Action. In order to be consistent with the District's previous decision to require any project that was issued a Corps permit located within the White Oak Bayou watershed and

required compensatory mitigation, that mitigation must be located within the watershed and preservation could be used solely as the means of compensatory mitigation, the District now proposes to make this decision official and therefore exclude the White Oak Bayou watershed from being included in the service areas of previously approved and any future approved compensatory mitigation banks and in-lieu fee programs, unless the bank or in-lieu fee program is located within the White Oak Bayou watershed. Several mitigation banks approved by the District already include this exclusion from their service areas. Those existing banks that currently include the White Oak Bayou watershed in their service areas will be modified to exclude the watershed.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments, objections or suggestions related to this proposed action on or before **May 22, 2018**. Comments, both favorable and unfavorable, will be accepted and made a part of this record and will receive full consideration in determining whether it would be in the public interest to make this an official decision by the Little Rock District, U.S. Army Corps of Engineers.

Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider the proposed action. Such requests 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.

Additional Information. Additional information about the proposed action may be obtained by writing Jim Ellis, at the address or email listed above, or by calling (501) 324-5295.

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



ACTION NO.: **SWL-1776-06988**
WHITE OAK BAYOU WATERSHED
Public Notice
April 2018
Sheet 1 of 2



ACTION NO.: SWL-1776-06988
WHITE OAK BAYOU WATERSHED
 Public Notice
 April 2018 Sheet 2 of 2