



US ARMY Corps
Of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL-2012-00305

Date: February 10, 2015

Comments Due: March 9, 2015

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 project manager, Mr. Scott Kelly, telephone number: (501) 340-1712, mailing address: Little Rock District Corps of Engineers, Rogers Regulatory Field Office, 2260 N. 2nd Street, Rogers, Arkansas 72756, email address: scott.c.kelly@usace.army.mil.

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

**Mr. Mike Churchwell
City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the Little Osage Creek Tributary 2 Improvements. The proposed project is located in Tributary 2, sections 31 and 32, T. 19 N., R. 30 W., Bentonville, Benton County, Arkansas.

The basic purpose of the project is channel improvements to reduce flooding. The overall purpose of the project is to construct a concrete trickle channel and replace undersized culverts and bridge structures, necessary for flood control in this area of Bentonville. The project is water dependent.

Project impacts consist of concrete lining approximately 2,525 linear feet of Tributary 2 and 0.01 acres of an adjacent scrub-shrub wetland. Additional impacts would be from the placement of a precast culvert at each of four road crossings. These culverts would be 32 feet wide by 40 inches tall and would vary in length.

The site is in a primarily residential and commercial urban setting with the upstream and downstream portions of Tributary 2 already within a concrete-lined channel.

The applicant has investigated two (2) alternative sites for the project and selected the site with the least amount of wetland impacts. The applicant proposes to purchase wetland and stream credits from an approved mitigation bank to compensate for impacts to these resources. Best management practices such as silt fencing would be used to minimize impacts to water quality and other resources.

The location and general plan for the proposed work are shown on the enclosed Sheets 1 through 3 of 3.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification will be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. 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 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 Regulations (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 **March 9, 2015**. 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, flood plain 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.

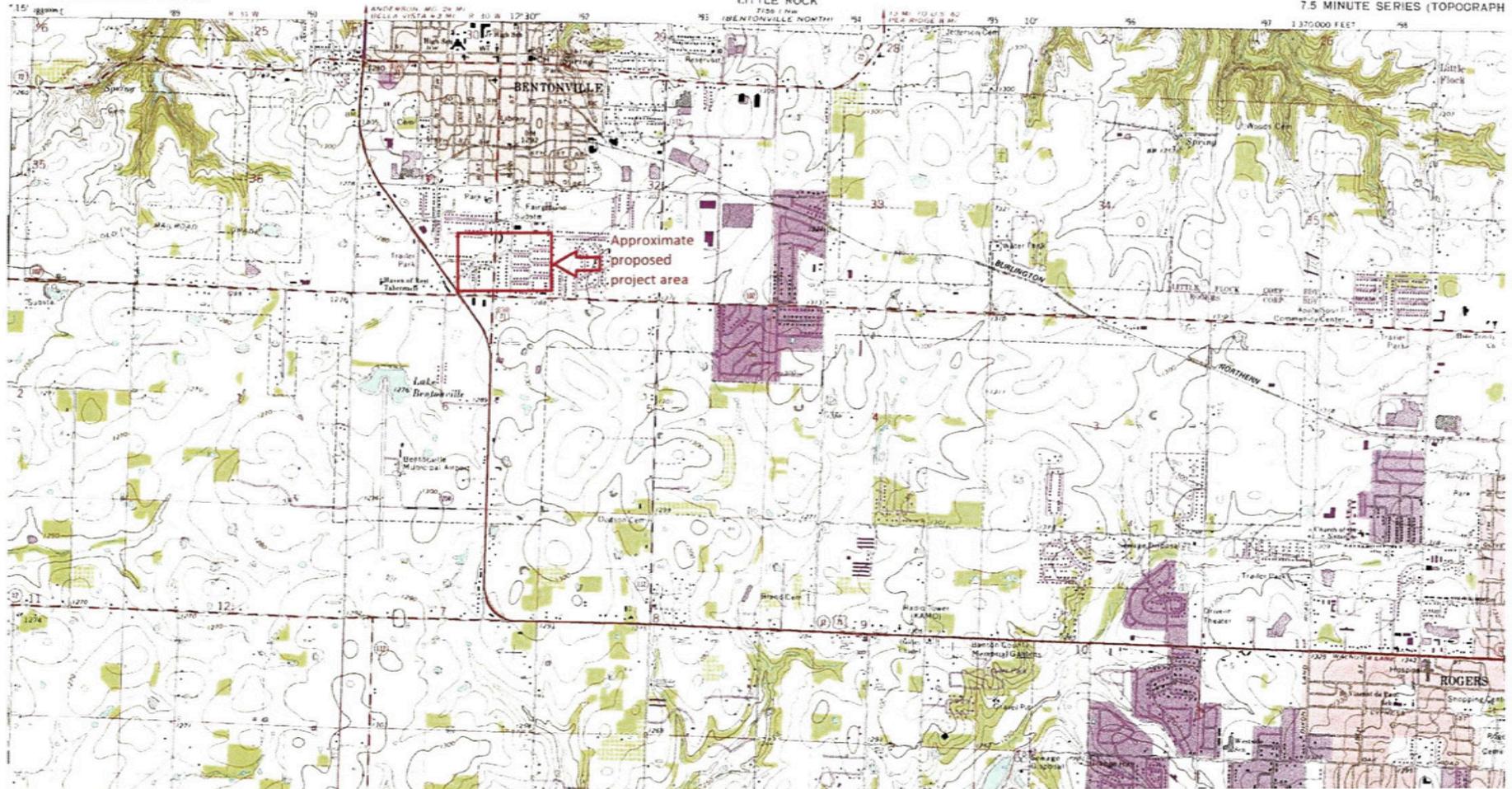
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.35921° N** Longitude: **-94.21251° W**

UTM Zone: **15** North: **4024474** East: **391214**



Project Manager:	QB
Created By:	JC
Checked By:	JT
Approved By:	JT

Project Number:	35127024
Date:	02.29.12

Terracon
Consulting Engineers & Scientists

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Topographic Map

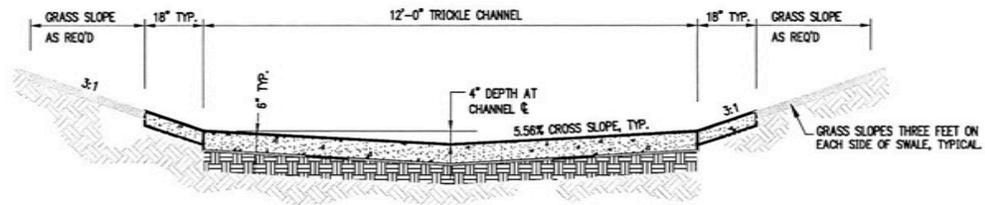
Wetland and Stream Delineation; Proposed
Little Osage Creek Tributary
Bentonville, Benton Cou

ACTION NO. 2012-00305
City of Bentonville, Little Osage Creek Tributary
2 Improvements
Concrete Lined Channel
Sec 31 and 32 T. 19 N., R. 30 W.
January 2015 Sheet 1 of 3

LEGEND

EASEMENT FOR CONCRETE TRICKLE CHANNEL ALTERNATIVE

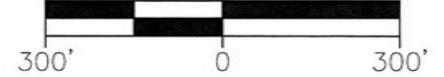
EXISTING DRAINAGE EASEMENT



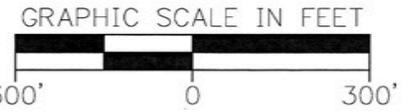
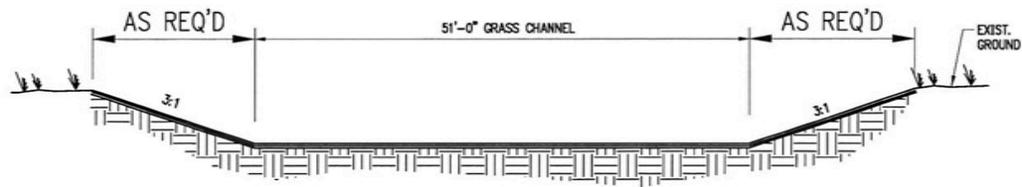
TYPICAL CONCRETE TRICKLE CHANNEL ALTERNATIVE (PREFERRED)
NTS



GRAPHIC SCALE IN FEET



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City of Bentonville, Little Osage Creek Tributary
2 Improvements
Concrete Lined Channel
Sec 31 and 32 T. 19 N., R. 30 W.
January 2015 Sheet 2 of 3



LEGEND

- EASEMENT FOR GRASS CHANNEL ALTERNATIVE
- EXISTING DRAINAGE EASEMENT

TYPICAL GRASS CHANNEL ALTERNATIVE (ALTERNATIVE 2)
NTS



ACTION NO. 2012-00305
 City of Bentonville, Little Osage Creek Tributary
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 Concrete Lined Channel
 Sec 31 and 32 T. 19 N., R. 30 W.
 January 2015 Sheet 3 of 3