



US ARMY Corps  
Of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2013-00331

Date: November 4, 2013

Comments Due: December 4, 2013

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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, Mickey Matthews, 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: [Mickey.W.Matthews@usace.army.mil](mailto:Mickey.W.Matthews@usace.army.mil). An electronic copy of the Osage Creek Mitigation Bank prospectus can be viewed on the Little Rock District, Regulatory Division webpage at <http://www.swl.usace.army.mil/Missions/Regulatory/PublicNotices.aspx> 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

**Watershed Conservation Resource Center  
380 W. Rock Street  
Fayetteville, Arkansas 72701**

has submitted their Osage Creek Mitigation Bank prospectus. The prospectus outlines the proposal for developing and operating the bank which is known as the banking instrument. After public comments are received and any issues are resolved on the prospectus, the Watershed Conservation Resource Center (WCRC) will submit a draft banking instrument to the District Engineer of the Little Rock District. 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 WCRC 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 compensate for unavoidable impacts to streams and wetlands authorized under Section 404 of the Clean Water Act. The project goals are to restore unstable sections of Osage Creek and associated tributaries, increasing habitat diversity and improving overall water quality entering the Illinois River.

Osage Creek is a major tributary to the Illinois River. The Illinois River lies within the Arkansas River Basin in northwest Arkansas and northeast Oklahoma. The Illinois River is listed as an Ecologically Sensitive Waterbody by the Arkansas Department of Environmental Quality (ADEQ). It is also designated as a Scenic River in the State of Oklahoma. The Illinois River also serves as a public drinking water supply in Oklahoma.

The Illinois River watershed and Osage Creek in particular have seen significant increases in urbanization and impervious surfaces. In a period of just seven years (from 1999 – 2006), the percent of urban land cover doubled from 12% to 24%.

The proposed mitigation bank is located in Osage Creek and associated tributaries in Benton County, Arkansas. Three sites are in the city of Rogers in sections 16, 17, 19, and 30, T. 19 N., R. 30 W. These sites range from 8 to 30 acres and vary from heavily urbanized to hay meadows with some riparian forest. The two urban sites have become increasingly unstable due to changes in hydrology associated with increased urbanization and have limited to no riparian buffer.

The fourth site is approximately six miles east of Siloam Springs near the Logan Cave National Wildlife Refuge in section 33, T. 18 N., R. 32 W., and section 4, T. 17 N., R. 32 W. This site is approximately 52 acres mostly located in the floodplain consisting of cattle pastures and hay meadows with limited riparian forest intact. The majority of the soils at this site are comprised of the partially hydric, well-drained Healing silt loam. This area may include some areas of wetland establishment based upon the specifics of the soils on-site.

WCRC has preliminarily identified approximately 12,800 linear feet of perennial stream, 6,600 linear feet of ephemeral or intermittent tributaries, and possible wetlands on the properties.

The proposed bank site lies within the Illinois River 8-digit (11110103) hydrologic unit code (HUC) as designated by the U.S. Geologic Survey. WCRC proposes that the primary geographic service area for the bank include the portions of the Illinois River, Lower Neosho (11070209), Lake O' The Cherokees (11070206), Elk (11070208), and Robert S. Kerr Reservoir (11110104) HUCs that are within Arkansas. The proposed secondary service area includes the Frog-Mulberry (11110201) and Dardanelle Reservoir (11110202) HUCs.

The location and general plan for the proposed work are shown on the enclosed sheets.

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. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit 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.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain 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 **December 4, 2013**. 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.

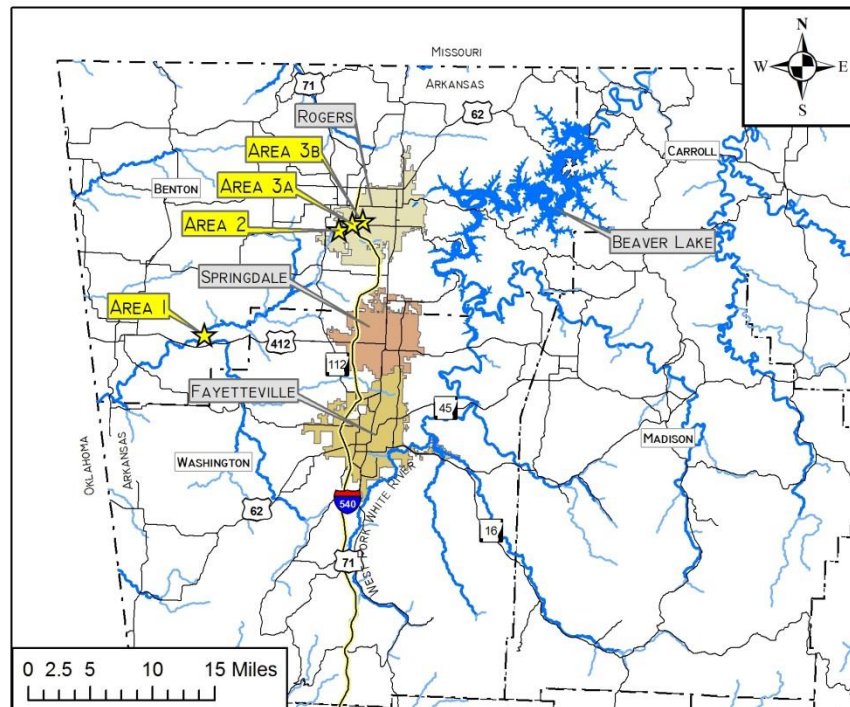
Enclosures

Approximate Coordinates of Project Center

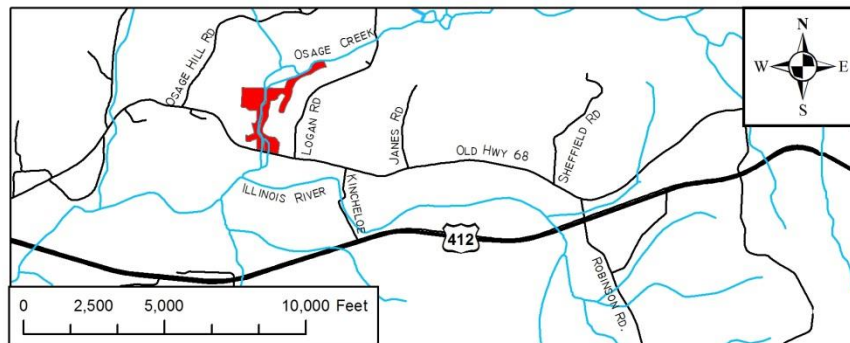
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UTM Zone: **15**              North: **4018128**                      East: **390672**

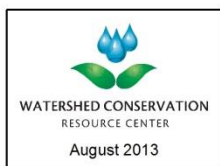
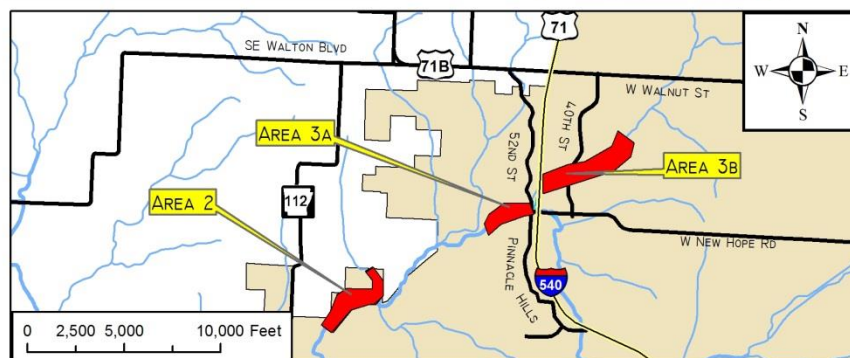
AREA MAP



AREA 1



AREAS 2 AND 3



**Figure 2** Location of proposed Osage Creek Mitigation Banks – Areas 1, 2, and 3 in relation to the regional area and local vicinity



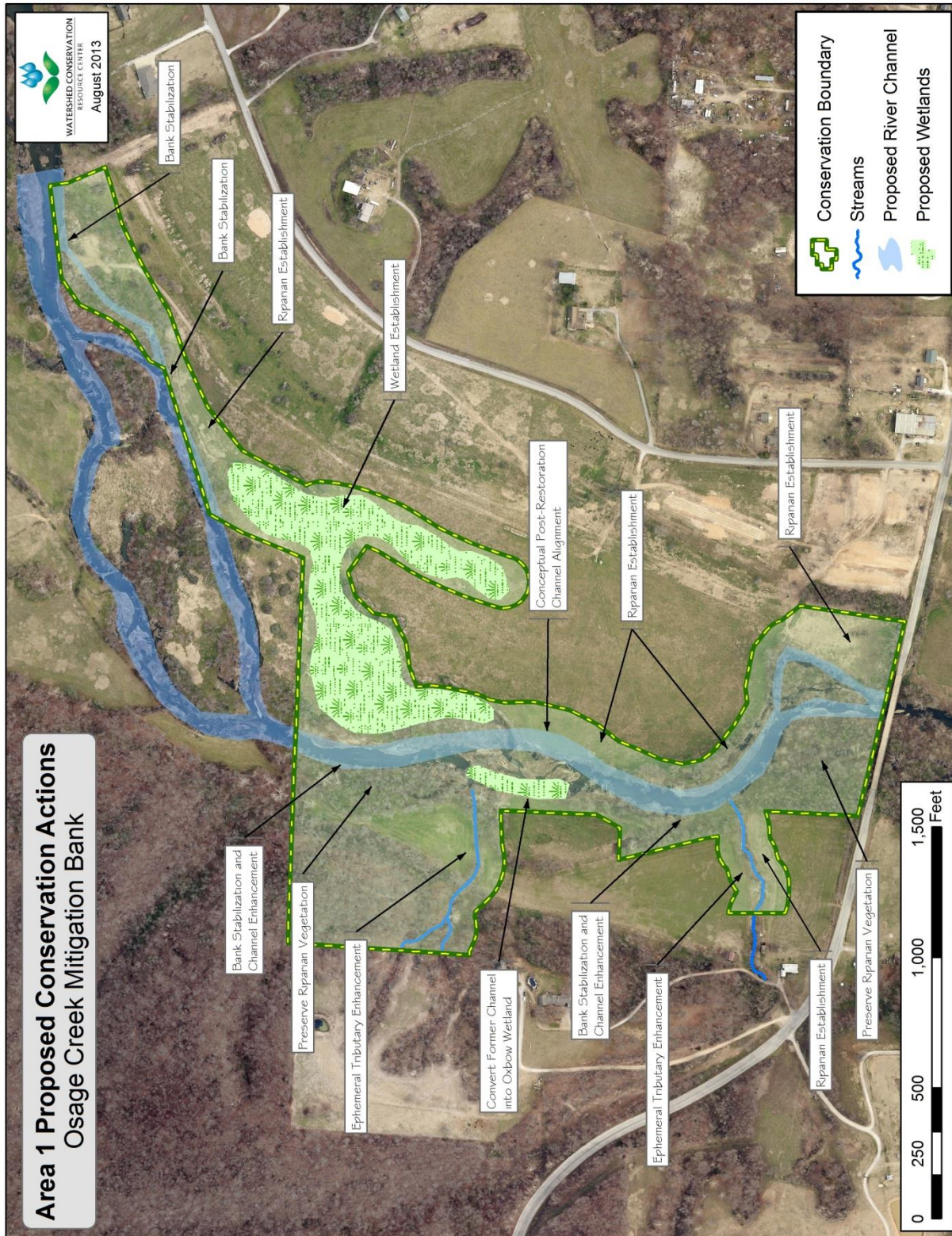


Figure 8 Proposed conservation actions for Area 1



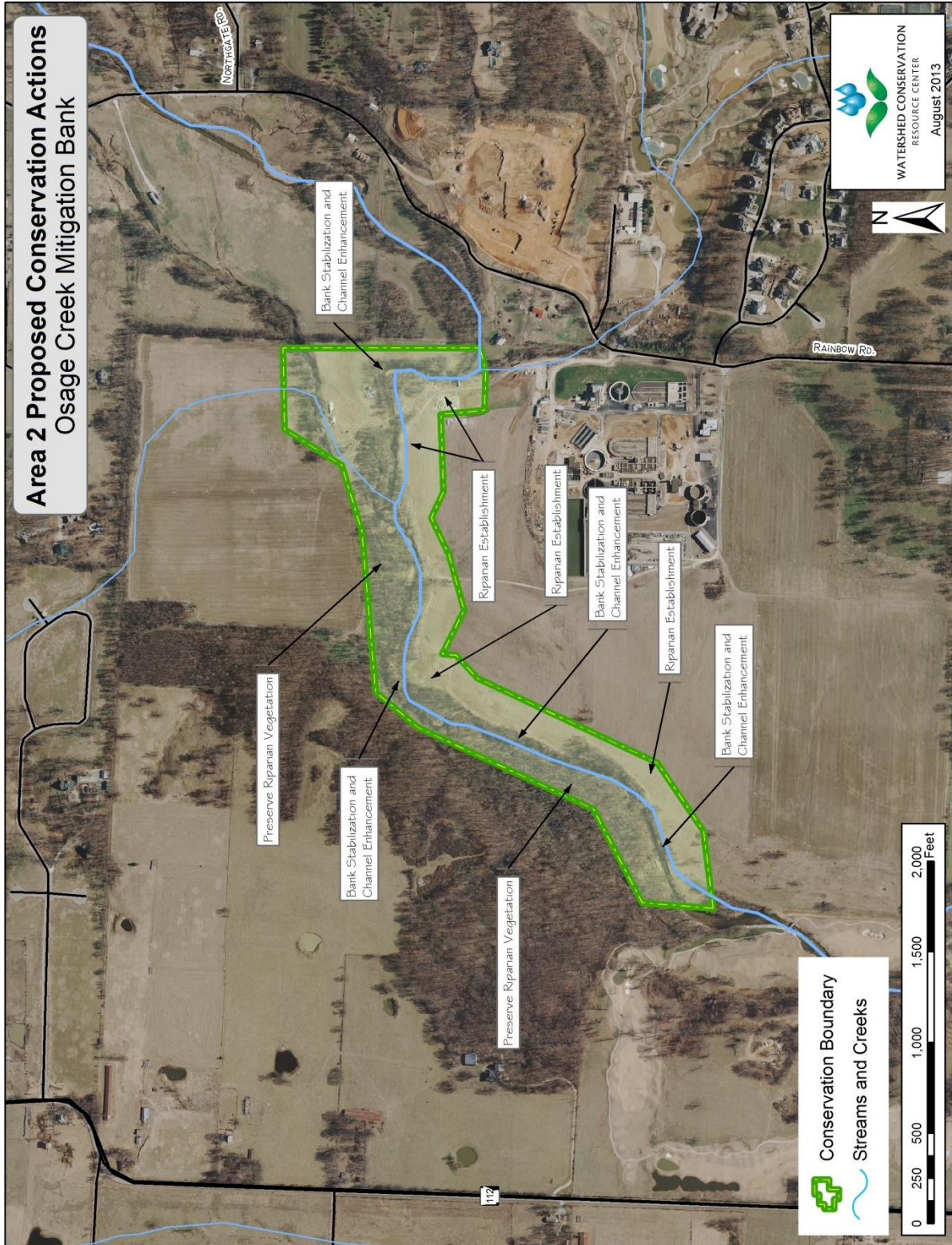


Figure 9 Proposed conservation actions for Area 2



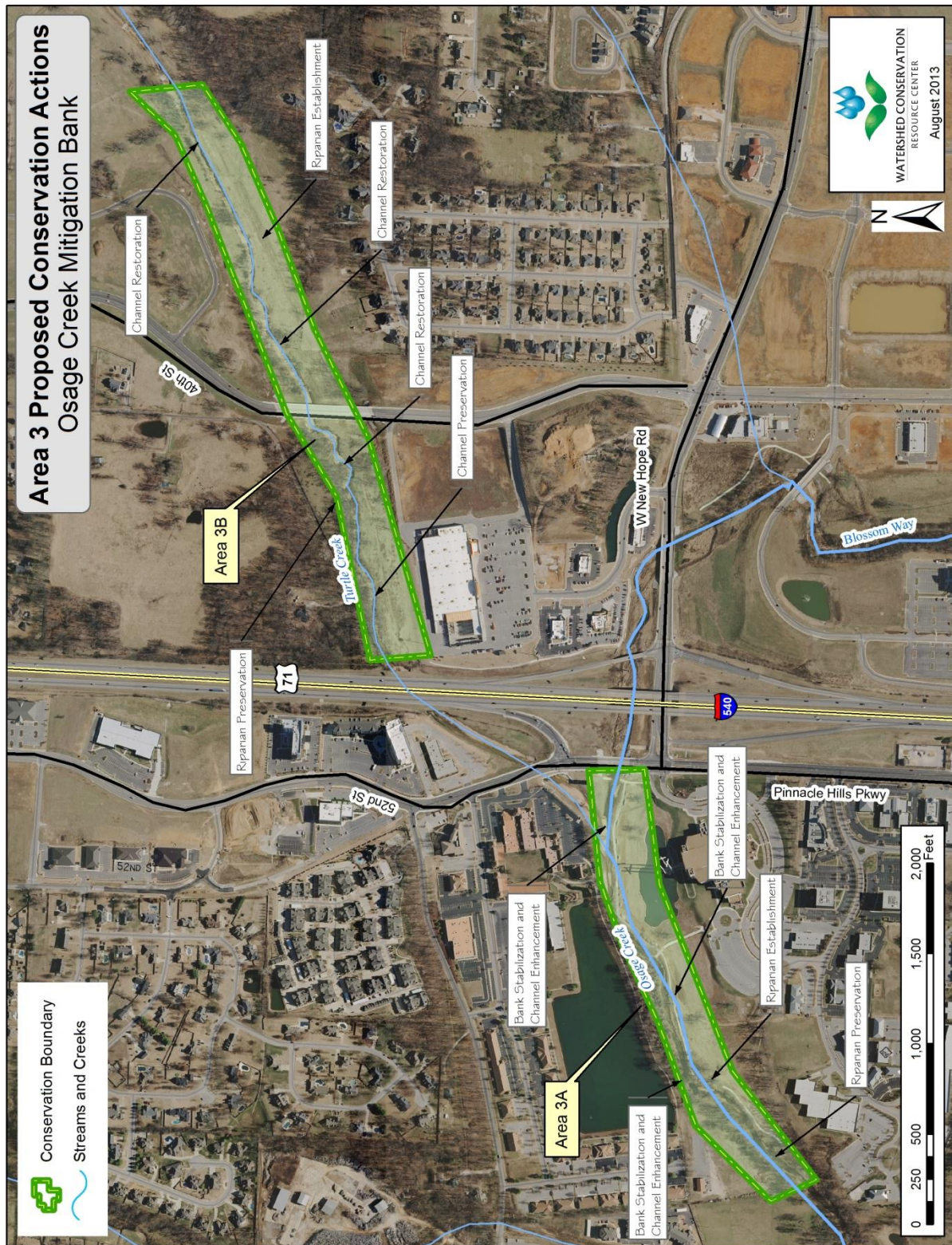


Figure 10 Proposed conservation actions for Areas 3A and 3B



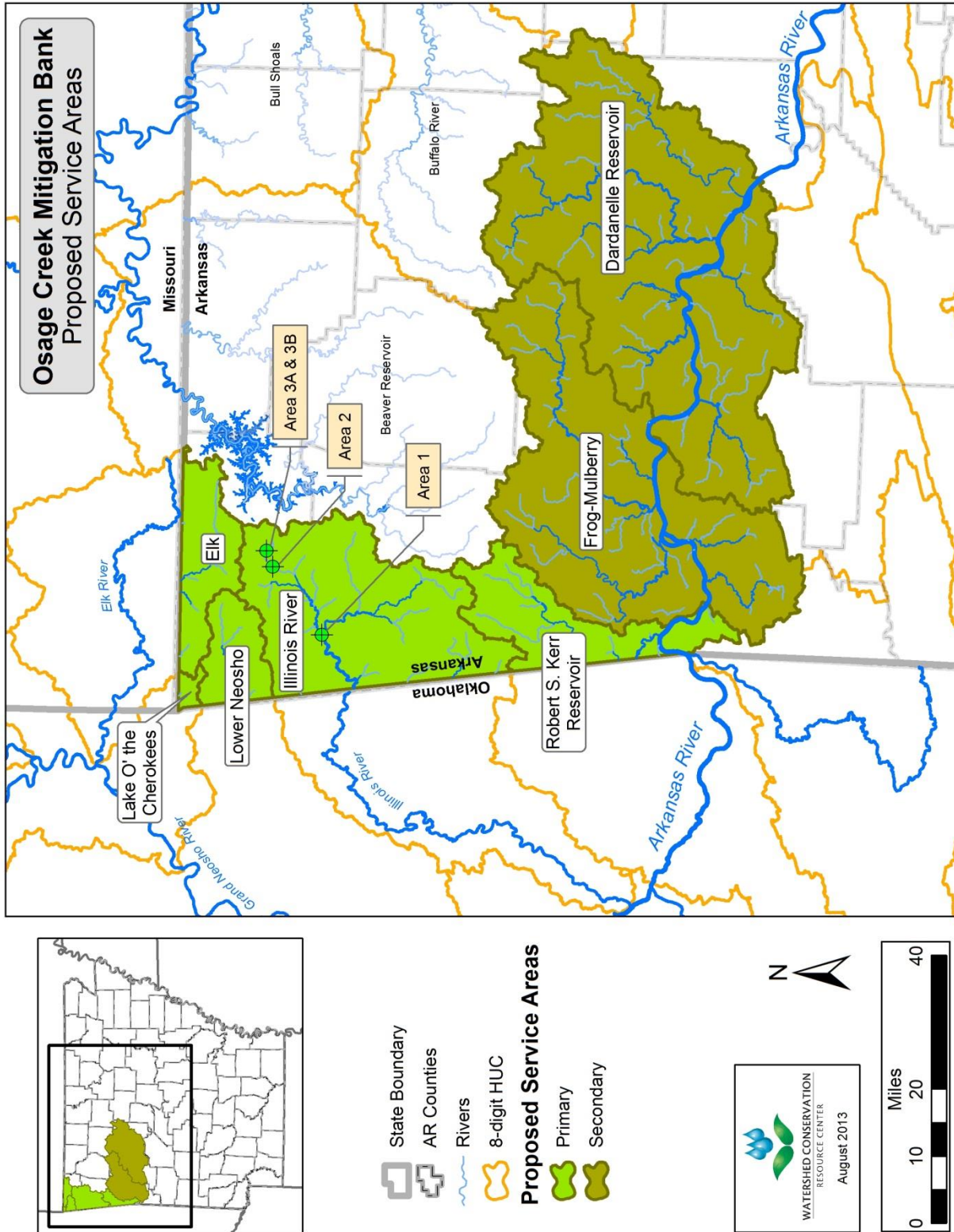


Figure 11 Proposed service areas for the Osage Creek Mitigation Bank