US Army Corps
of Engineers®
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATE OF ARKANSAS*

**Application Number: SWL 2014-00448**
**Date: November 25, 2014**
**Comments Due: December 22, 2014**

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, 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 the

**Arkansas Highway and Transportation Department (AHTD)**
**PO Box 2261**
**Little Rock, Arkansas 72203**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with widening U.S. Highway 62 between Berryville and Green Forest. The proposed project begins approximately one mile east of Berryville and ends approximately one mile west of Green Forest in sections 34 and 35, T. 20 N., R. 24 W., and in sections 1, 2 and 3, T. 19 N., R. 24 W., and in section 6, T. 19 N., R. 23 W., Carroll County, Arkansas. Total length of the project is approximately 3.7 miles.

The basic purpose of the project is to provide safe and efficient movement of traffic within the region. The overall purpose of the project is to upgrade the U.S. Highway 412/62 corridor across the northern segment of the state. The project is not water dependent, and an extensive alternative analysis was completed as part of the environmental impact statement (EIS).

The project would be constructed entirely on existing alignment and require only minor areas of additional right-of-way acquisition for cuts and fills. The existing roadway consists of two 12-foot-wide travel lanes with 8-foot-wide shoulders. The proposed roadway would consist of four 12-foot-wide travel lanes with 8-foot-wide shoulders. The project would impact four unnamed tributaries. Two of the tributaries would only be impacted through pipe culvert and box culvert construction; the other two tributaries parallel U.S. Highway 62 and would have to be relocated. The relocations would consist of filling and moving the streams to the toe of the new highway embankment. Approximately 3,100 cubic yards of material would be discharged into the streams.

The two unnamed tributaries that parallel U.S. Highway 62 begin on the north side of the highway and converge at the box culvert beneath the roadway and then flow southwesterly to the White River through Warden Creek, Osage Creek and the Kings River. Unnamed tributary 1 begins as an intermittent tributary on the north side of the highway and becomes perennial due to springs/seeps on the south side of the highway. Approximately 246 linear feet of this tributary is currently located within AHTD right-of-way and would be relocated as part of the widening project. This segment is very disturbed and its primary function is the transport of water. The remaining segment of unnamed tributary 1, that parallels the highway, meanders in and out of the proposed project right-of-way. This segment is perennial, has some riparian vegetation and supports some aquatic life. The proposed project would impact approximately 419 linear feet of this segment. The AHTD proposes to mitigate for these impacts. Unnamed tributary 2 is not denoted on a quadrangle map, but is a small intermittent stream located on the north side of U.S. Highway 62. Approximately 1,042 linear feet of this stream will be relocated to the north. This stream is located within the existing highway right-of-way and is very disturbed. Relocating the stream would not cause a loss in stream length or functions. The relocated stream channels would not be lined with concrete.

None of the impacted streams are classified as Ecologically Sensitive Waters or Ecologically Sensitive Waterbodies; however, the proposed project will require Section 401 individual water quality certification from the ADEQ as part of the Standard Permit evaluation process. There are no wetland impacts associated with this project.

The Federal Highway Administration (FHWA) approved this project as a Tier 3 Categorical Exclusion (CE) under 23 Code of Federal Regulations, Section 771.117, and the AHTD/FHWA Memorandum of Agreement. Two residences would be relocated and approximately 1.7 acres of prime farmland would be acquired as part of the project. The State Historic Preservation Officer concurred with the AHTD's findings that the project would not affect any historic properties.

During the planning stages, the AHTD did consult with the Corps of Engineers regarding avoidance and minimization for stream impacts, and the preferred alignment. Moving the alignment further to the north to avoid impacting unnamed tributary 1 would require larger cuts in the hillside and impact a residence. Moving the alignment further south would significantly increase impacts to the perennial segment of unnamed tributary 2. An attempt was made to design the project to avoid and minimize impacts to the most functional segments of the streams, avoid relocatees and maintain design standards at the same time. The Little Rock District Stream Method was used to assess stream impacts and required mitigation. The Method determined that a total of 2,179 stream credits would be required for mitigation. The AHTD proposes to purchase stream mitigation credits from an approved bank in the upper White River watershed. A copy of the stream evaluation worksheet is enclosed. The location and general plan for the proposed work are shown on the enclosed sheets 1 through 5 of 6.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the 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. In addition to the analysis completed by the FHWA and AHTD during the CE review, 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 **December 22, 2014**. 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.

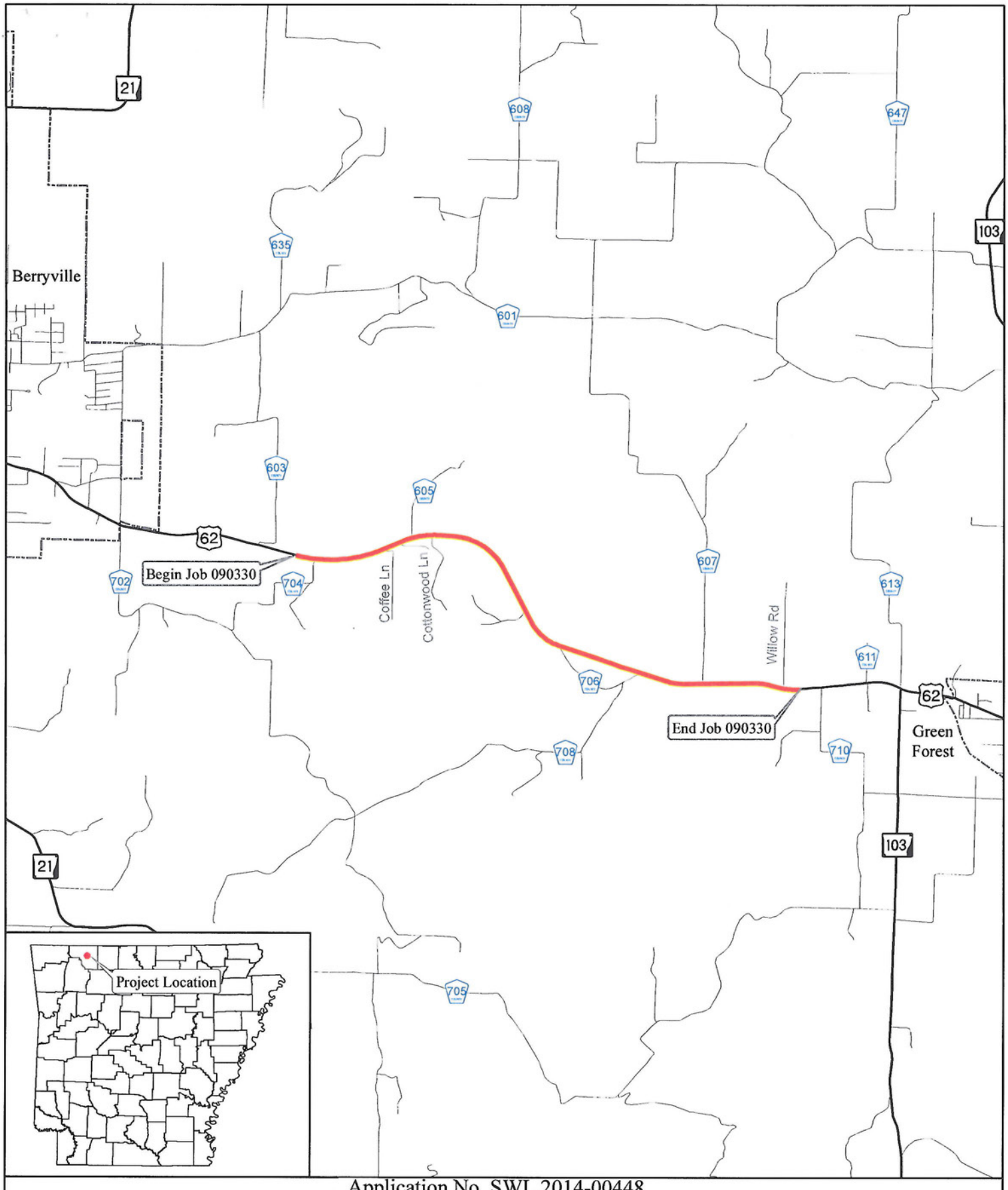
**NOTE:** The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

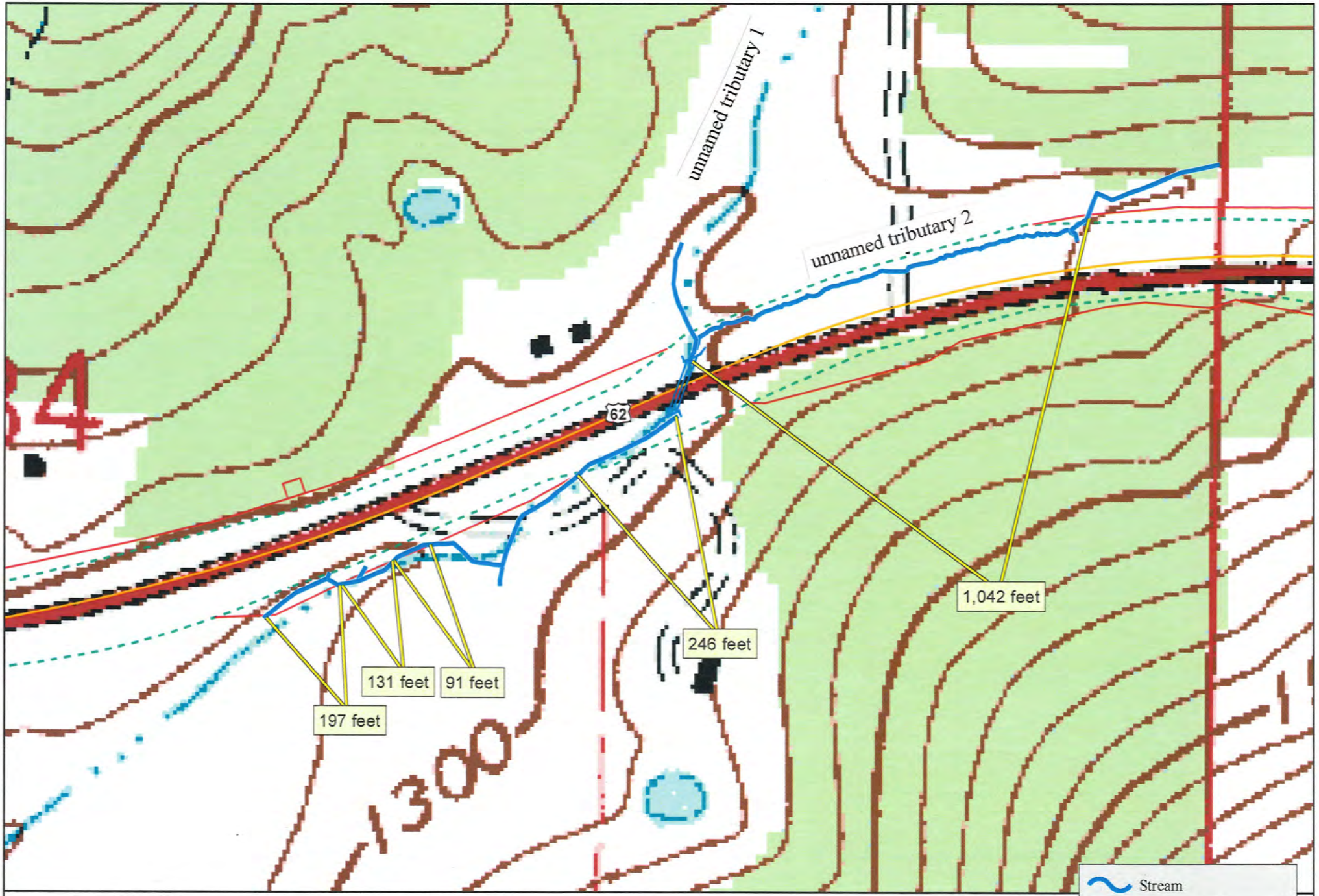
Approximate Coordinates of Project Center

Latitude: **36.3453** Longitude: **-93.50124**

UTM Zone: **15** Northing: **4022364** Easting: **455021**




Application No. SWL 2014-00448
Ark. Hwy. & Transportation Dept.
U.S. Hwy. 62 widening-Carroll Co.
Berryville to Green Forest
November 2014 Sheet 1 of 6




N

0 100 200

Feet

Job 090330

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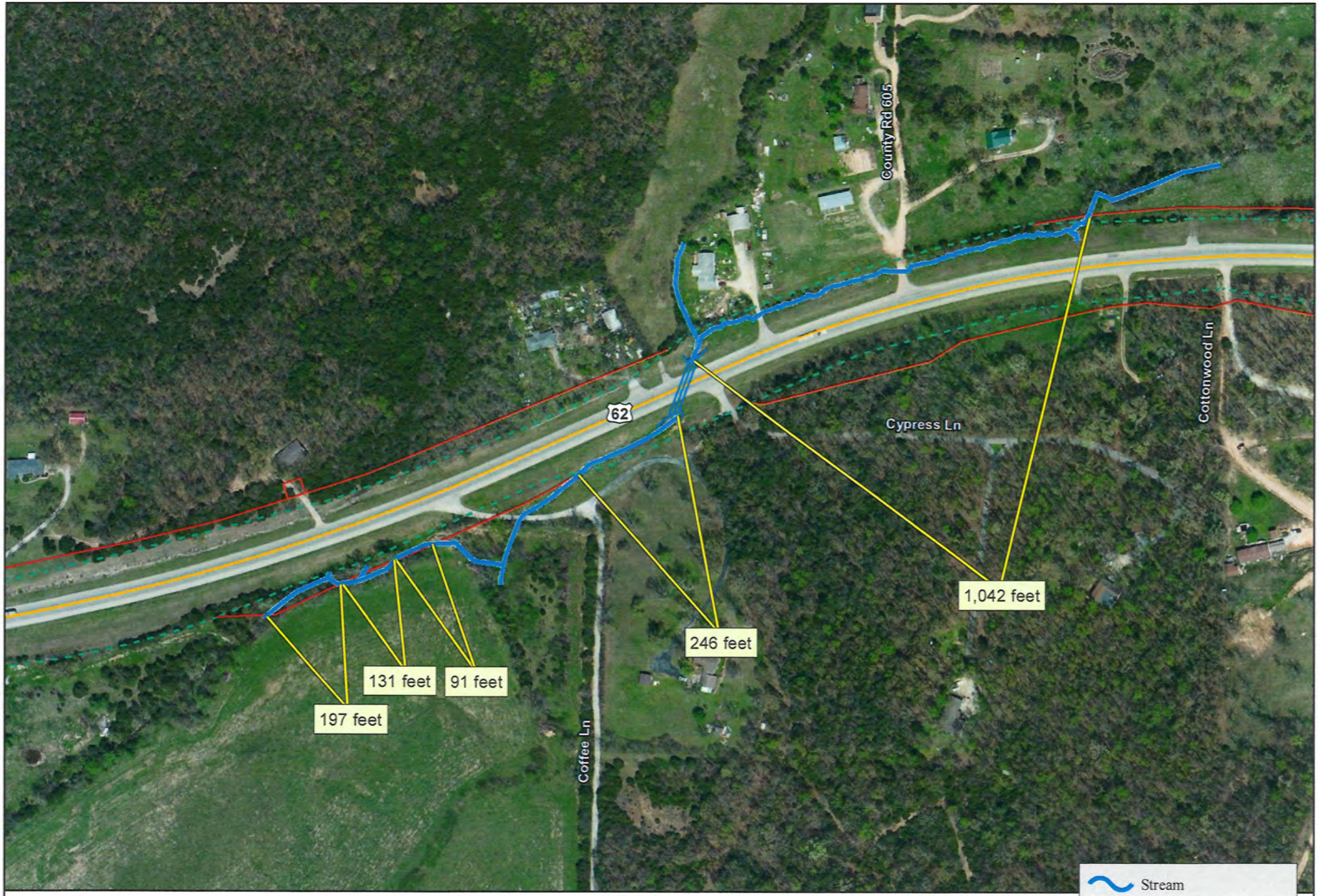
Figure B
Stream Impacts

Sheet 2 of 6

Berryville 1972 USGS Topographic Map

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Feet

Job 090330

AHTD - Environmental GIS - Reed
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Figure A
Stream Impacts

Sheet 3 of 6

Photography Date: March - April 2011

**FIGURE E: INTERMITTENT STREAM CHANNEL WITHIN RIGHT-OF-WAY ON SOUTH SIDE OF HIGHWAY**

**FIGURE F: PERENNIAL STREAM CHANNEL SOUTH OF EXISTING RIGHT-OF-WAY**

**FIGURE C: INTERMITTENT STREAM CHANNEL NORTH OF HIGHWAY RIGHT-OF-WAY**

**FIGURE D: INTERMITTENT STREAM CHANNEL ALONG NORTH SIDE OF HIGHWAY WITHIN RIGHT-OF-WAY**

## ADVERSE IMPACT
## FACTORS FOR RIVERINE SYSTEMS WORKSHEET

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Stream Type Impacted | Ephemeral 0.1 | | | Intermittent 0.4 | | | Perennial-OHWM width | | | |
| | | | | | | | <15' 0.4 | 15'-30' 0.6 | >30' 0.8 | |
| Priority Area | Tertiary 0.1 | | | Secondary 0.4 | | | Primary 0.8 | | | |
| Existing Condition | Functionally Impaired 0.1 | | | Moderately Functional 0.8 | | | Fully Functional 1.6 | | | |
| Duration | Temporary 0.05 | | | Recurrent 0.1 | | | Permanent 0.3 | | | |
| Activity | Clearing 0.05 | Utility Crossing/Bridge Footing 0.15 | Below Grade Culvert 0.3 | Armor 0.5 | Detention 0.75 | Morpho-logic Change 1.5 | Impound-ment (dam) 2.0 | Pipe >100' 2.2 | Fill 2.5 | |
| Cumulative Linear Impact | <100' 0 | 100'-200' 0.05 | 201-500' 0.1 | 501-1000' 0.2 | >1000 linear feet (LF) 0.1 reach 500 LF of impact (example: scaling factor for 5,280 LF of impacts = 1.1) | | | | | |

| Factor | Dominant Impact Type 1 | Dominant Impact Type 2 | Dominant Impact Type 3 | Dominant Impact Type 4 | Dominant Impact Type 5 |
|---|---|---|---|---|---|
| Stream Type Impacted | Perennial 15'-30' | Perennial 15'-30' | Perennial 15'-30' | Blank | Blank |
| Priority Area | Tertiary | Tertiary | Tertiary | Blank | Blank |
| Existing Condition | Fully Functional | Fully Functional | Fully Functional | Blank | Blank |
| Duration | Permanent | 0.3 | 0.3 | Blank | Blank |
| Activity | Fill | 2.5 | 2.5 | Blank | Blank |
| Cumulative Linear Impact | 419 | 419 | 419 | Blank | Blank |
| Sum of Factors | M = 5.2 | 5.2 | 5.2 | 0 | 0 |
| Linear Feet of Stream Impacted in Reach | LF=197 | 91 | 131 | 0 | 0 |
| M X LF | 1,024.4 | 473.2 | 681.2 | | |

**Total Mitigation Credits Required = (M X LF) =** 2,178.8