



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: 2015-00111

Date: August 31, 2015

Comments Due: September 30, 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, Christopher G. Davies, telephone number: (501) 340-1373, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Christopher.G.Davies@usace.army.mil. An electronic copy of the Fourche Bayou 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

**Ms. Page Shurgar
Applied Land Restoration
PO Box 701
Little Rock, Arkansas 72217**

has submitted their Fourche Bayou 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, Applied Land Restoration 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 Applied Land Restoration 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 mitigate for unavoidable impacts to streams and wetlands authorized under Section 404 of the Clean Water Act. The project goal is to restore stream and wetland functions and values within the mitigation bank area.

The proposed Fourche Bayou Mitigation Bank is located on the right descending bank of the Arkansas River, Navigation Mile 105.2, in sections 14 and 15, T. 1 S., R. 11 W., Pulaski County, Arkansas. The site is approximately 75 acres and is primarily fallowed fields, with some wooded areas. The applicant proposes to restore, enhance, and protect riparian buffers of 1,256

linear feet of the Arkansas River, 2,690 linear feet of Fourche Bayou, 1,354 linear feet of a small tributary, and approximately 60 acres of wetlands.

The stream bank and initial riparian zone along 1,256 linear feet of the right descending bank of the Arkansas River is dominated by erosion control measures, such as riprap. The remaining floodplain consists of non-native and native grasses. The floodplain would be reestablished with an optimized mix of hardwood species, shrubs, and grasses.

This 2,690-foot reach of Fourche Bayou is a third order stream approximately 40 feet wide flowing west to east. The riparian zone along the left descending bank has apparently been treated with herbicide leaving large portions of the bank unstable. Remediation efforts would include stabilizing exposed streambanks using bioengineering techniques such as live-staking, live palisades, brush layering, over-seeding, and wattle fencing where applicable. Sediment deposition appears in and among rock spaces at the confluence with the Arkansas River where native riverine grasses and additional shrubs would be established.

Stream Reach A is a 1,354-linear-foot intermittent ditch that runs north to south parallel to Fourche levee prior to entering the Arkansas River. Streambed features such as riffle/pool complexes are absent from this reach. Restoration efforts would add morphological features in order to improve stream habitat and function and encourage diversity.

Fourche levee segregates the 60-acre wetland areas into two distinct units, Wetland Area A and Wetland Area B. Wetland Area A is approximately 55 acres with five acres currently located in a United States Fish and Wildlife Service designated PFO1A, which is defined as a Palustrine Forested Broad-leaved deciduous, temporary flooded area. A stream runs east to west through the area. The remaining acreage has been converted for agricultural production. The second wetland area, Wetland Area B, is located on the east side of the levee along the Arkansas River floodplain. Wetland activities would be a combination of enhancement of existing wetland features and restoration of adjacent wetland areas where forested areas have been removed.

The entire mitigation area would be re-vegetated through hand planting native hardwood and herbaceous species with a density of 302 stems/acre. A minimum 100-foot-wide riparian buffer would be maintained where property boundaries allow and increased to include upland buffers where applicable. During the dormant season, Black Willow (*Salix nigra*), Brookside Alder (*Alnus serrulata*) and American Sycamore (*Platanus occidentalis*) stakes would be placed along the streambanks of the intermittent and perennial channels. Tree and shrub seedlings would be planted in winter 2016-2017. The floodplain zone would consist of the appropriate floodplain species, while the upland buffers would consist of an oak-hickory mix with a representative understory if available.

The proposed bank site lies within Lower Arkansas-Maumelle 8-digit (11110207) hydrologic unit code (HUC) as designated by the U.S. Geologic Survey. Applied Land Restoration proposes that the primary geographic service area for the bank include the Lower Arkansas-Maumelle Watershed (11110207) and the Bayou Meto Watershed (08020402) for both wetlands and streams. Historically, activities requiring compensatory mitigation within the White Oak Bayou Watershed (111102070401), which is part of the Lower Arkansas-Maumelle Watershed (11110207), have been mitigated within the White Oak Bayou Watershed and therefore excluded as part of any

bank service area. Applied Land Restoration proposes that the secondary geographic service area for the bank be the Lower White-Bayou Des Arc (08020301) Watershed for both wetlands and streams.

Members of the IRT reviewed the draft prospectus and inspected the site in May 2015. They offered preliminary verbal comments.

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

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. A copy of this notice is being furnished 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 **September 30, 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, 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 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: **34.62819** Longitude: **-92.17317**

UTM Zone: **15** North: **3832122** East: **575790**