



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2016-00037

Date: March 23, 2016

Comments Due: April 18, 2016

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, 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

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

**Mr. Charles Jones
McGeorge Contracting Company, Inc.
P.O. Box 408
Sweet Home, Arkansas 72164**

has requested authorization for the placement of fill material in waters of the United States associated with the disposal of excavated material resulting from the Arkansas Highway and Transportation Department (AHTD) relocation project of Arkansas Highway 25, north of Conway, Arkansas. The proposed project would impact (fill) approximately 353 linear feet of a jurisdictional ephemeral stream and 2.2 acres of a jurisdictional man-made pond, which includes a wetland fringe. Water flow enters the project area through the ephemeral stream that originates approximately 200 linear feet to the east in steep terrain surrounding the man-made pond/wetland. The ephemeral stream flows into the man-made pond/wetland, then west into Tupelo Creek, Cadron Creek and then south-southwest into the Arkansas River. The proposed project is located immediately north of Conway and west of Arkansas Highway 25, in the NW 1/4 of section 26, T. 6 N., R. 14 W., Faulkner County, Arkansas.

The basic purpose of the project is to provide a disposal area for a construction project. The overall purpose of the project is to provide a disposal area for excavated material near Beaver Fork Lake resulting from the relocation of Highway 25 by the AHTD. The project is not water dependent.

To accomplish the project, approximately 40 cubic yards of fill material will be placed into 353 linear feet of a jurisdictional ephemeral stream and approximately 35,500 cubic yards of fill material will be placed into 2.2 acres of a jurisdictional man-made pond/wetland.

The applicant has investigated other alternatives to the project that include: 1) disposal of the fill material on the proposed property but outside waters of the United States; 2) disposal of the fill material at another property (Ross Property) located south of the proposed property; and 3) hauling the fill material to other disposal sites located miles from the proposed project site. The

applicant stated that, alternative 1, would result in erosion problems in the immediate area due to the steep terrain surrounding the proposed disposal site. The applicant stated that alternative 2, disposing on the property located south of the proposed project area, would involve cultural resources and alternative 3, hauling the fill material miles from the project area, would be cost prohibitive.

Compensatory mitigation requirements for impacts to the ephemeral stream and man-made pond/wetland will be assessed utilizing the 2011 Little Rock District Stream Method for streams and the 2002 Charleston Method for wetland impacts. The applicant proposes to conduct permittee-responsible on-site compensatory mitigation or purchase compensatory mitigation credits from an approved mitigation bank that services the area.

Typical best management practices such as silt fencing and other construction methods will be used to mitigate impacts to water quality and other resources.

The project location, general plan for the proposed work and stream and pond locations are shown on the enclosed sheets, 1 through 6. Sheet Number 3 denotes the approximate location of the jurisdictional ephemeral stream and jurisdictional pond/wetland on the property.

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 **April 18, 2016**. 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 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

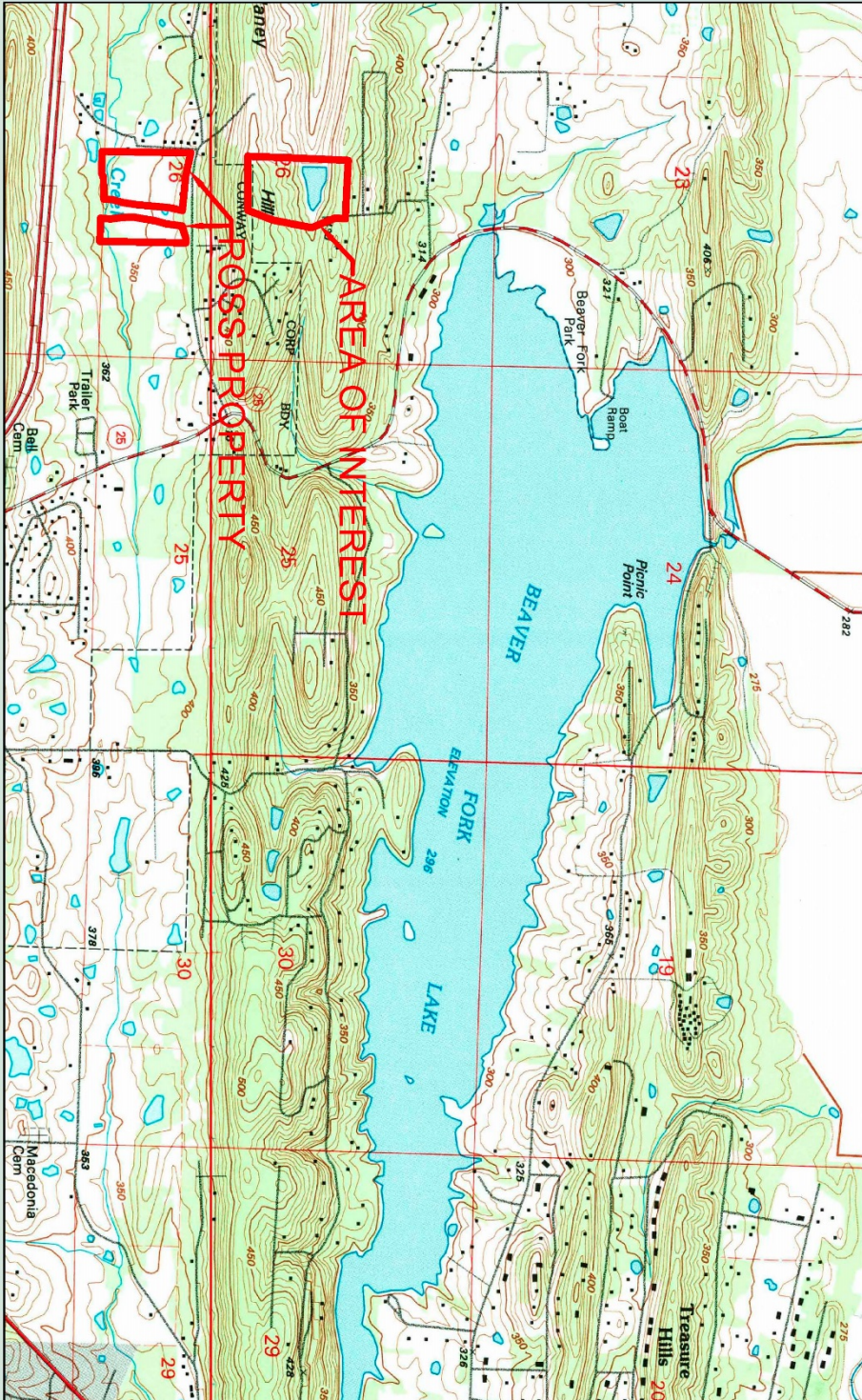
Approximate Coordinates of Project Center

Latitude: **35.12886** Longitude: **-92.46117**

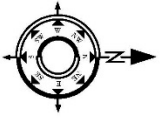
UTM Zone: **15** North: **3887466.1** East: **549092.2**



ACTION NO.: 2016-00037
McGeorge Contracting Co., Inc.
DISPOSAL AREA
Unnamed Tributary to Tupelo Creek
Section 26, T. 6 N., R. 14 W.
March 2016 Sheet 1 of 6



PURPOSE: FILL ARTIFICIAL STOCK
POND IN CONJUNCTION WITH STATE
HIGHWAY PROJECT.



MASSERY FILL AREA
VICINITY MAP
1-28-2016
SCALE: 1:24,000

U.S. GEOLOGICAL SURVEY TOPOGRAPHIC MAP

Contact: CHUCK JONES
Phone: 501-490-6083
Email: chuck.jones@mcgeorgecontracting.com

1

ACTION NO.: 2016-00037

McGeorge Contracting Co., Inc.

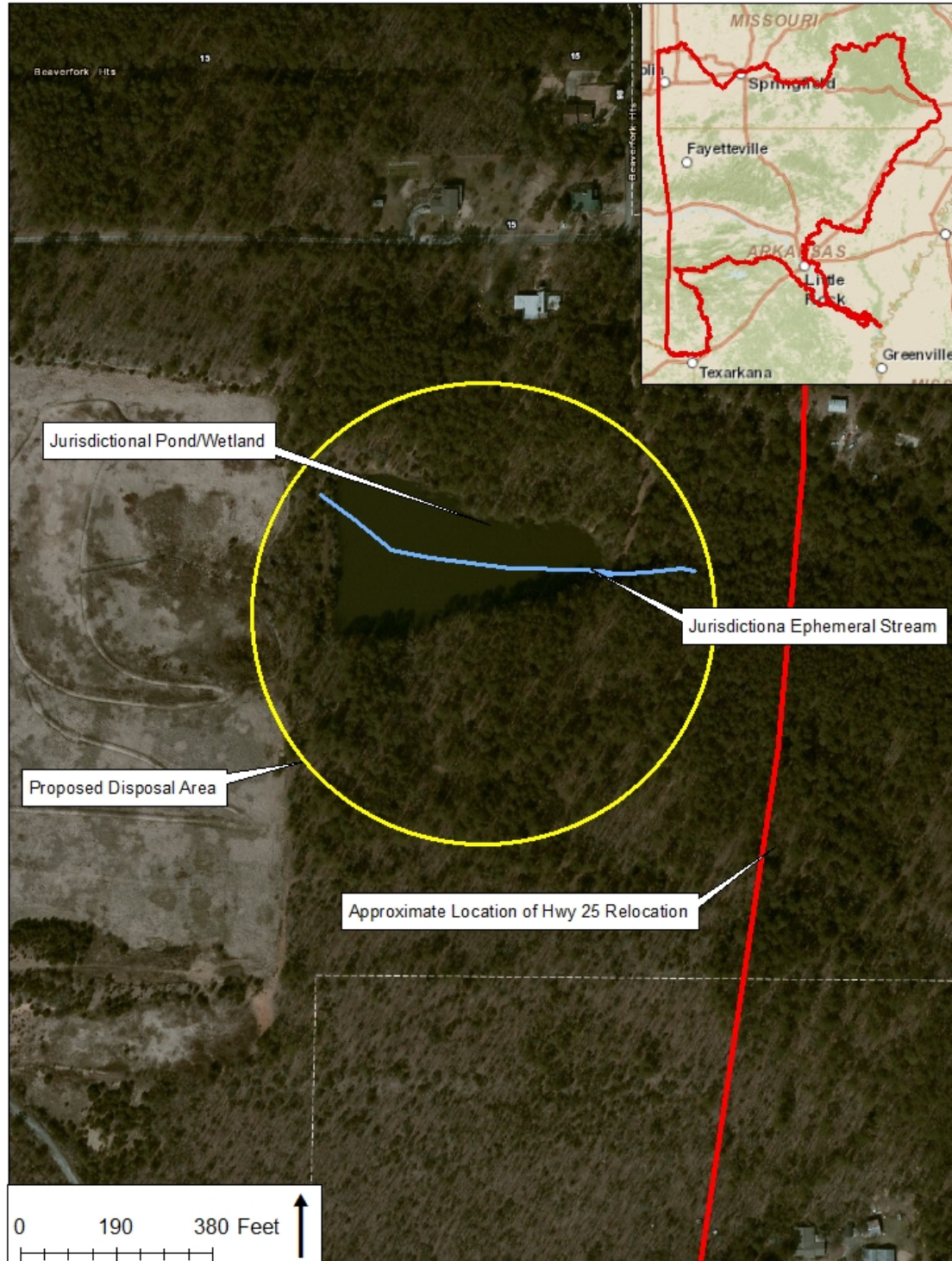
DISPOSAL AREA

Unnamed Tributary to Tupelo Creek

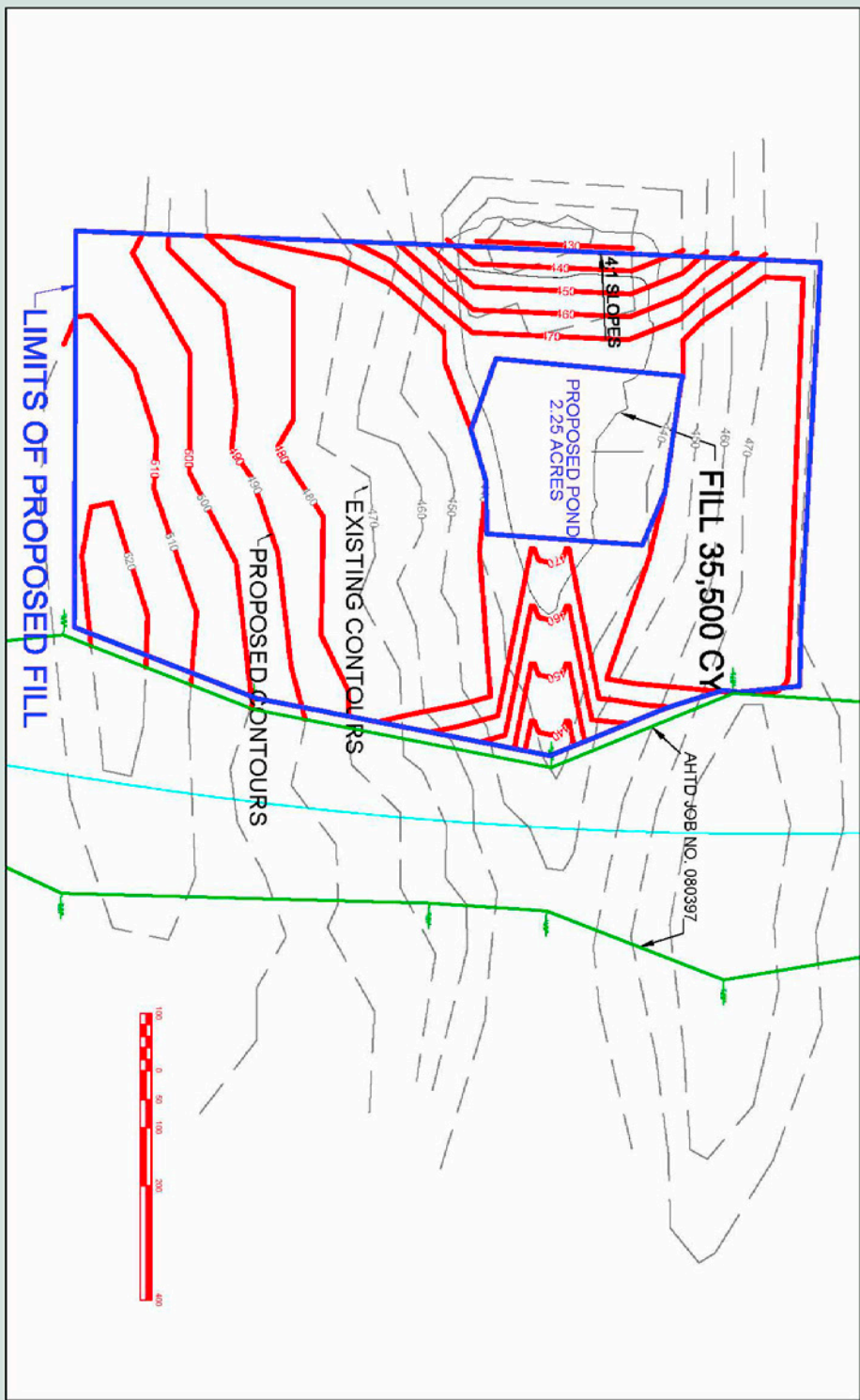
Section 26, T. 6 N., R. 14 W.

March 2016

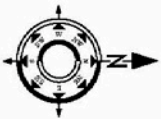
Sheet 2 of 6



ACTION NO.: **2016-00037**
McGeorge Contracting Co., Inc.
DISPOSAL AREA
Unnamed Tributary to Tupelo Creek
Section 26, T. 6 N., R. 14 W.
March 2016 Sheet 3 of 6



PURPOSE: FILL ARTIFICIAL STOCK
POND IN CONJUNCTION WITH STATE
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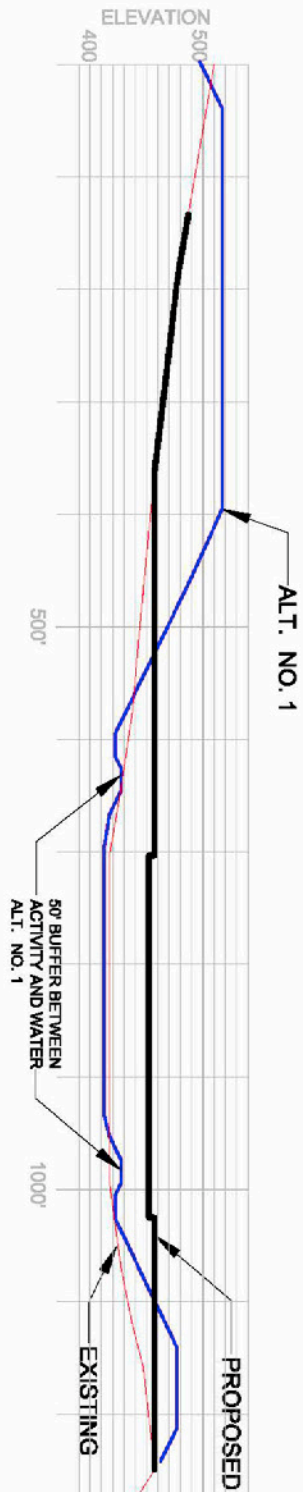
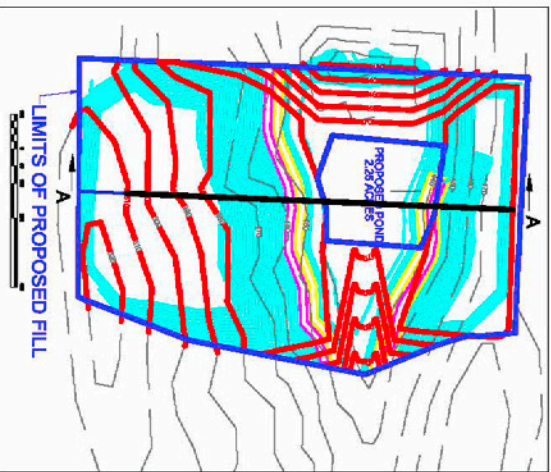
MASSERY FILL AREA
PLAN VIEW
1-29-2016

PROPOSED AREA
SEC 26, T6N, R14W
FAULKNER COUNTY

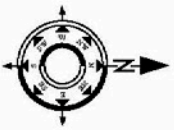
Contact: CHUCK JONES
Phone: 501-480-6003
Email: chuck.jones@mcgeorgecontracting.com

3

ACTION NO.: **2016-00037**
McGeorge Contracting Co., Inc.
DISPOSAL AREA
Unnamed Tributary to Tupelo Creek
Section 26, T. 6 N., R. 14 W.
March 2016 Sheet 4 of 6



PURPOSE: FILL ARTIFICIAL STOCK
POND IN CONJUNCTION WITH STATE
HIGHWAY PROJECT.



SCALE 1:150

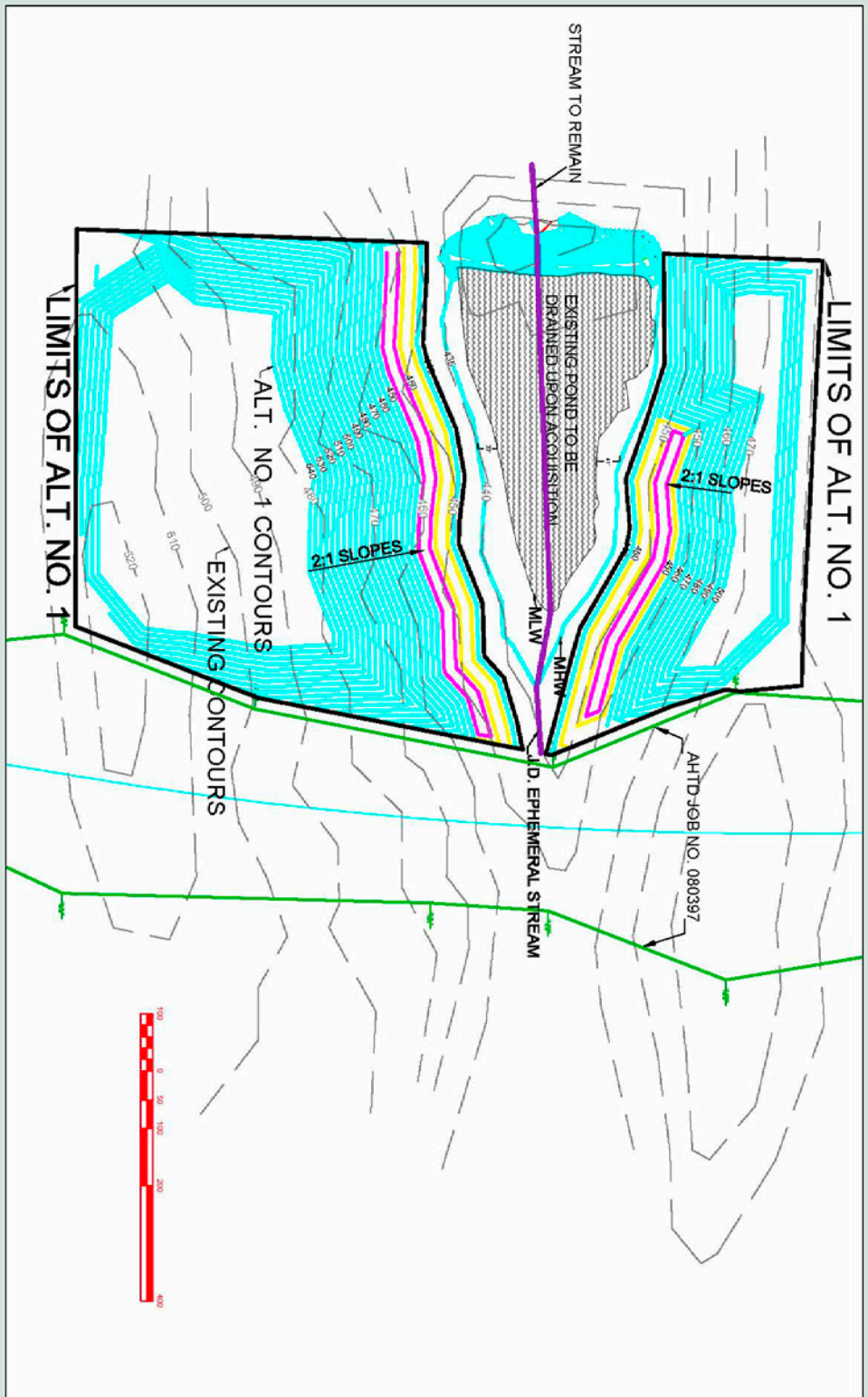
MASSERY FILL AREA SECTION VIEWS 1-28-2016

PROPOSED FILL IN ARTIFICIAL POND
SEC 26, T6N, R14W
FAULKNER COUNTY

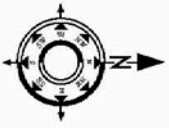
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4

ACTION NO.: **2016-00037**
McGeorge Contracting Co., Inc.
DISPOSAL AREA
Unnamed Tributary to Tupelo Creek
Section 26, T. 6 N., R. 14 W.
March 2016 Sheet 5 of 6



PURPOSE: FILL ARTIFICIAL STOCK
POND IN CONJUNCTION WITH STATE
HIGHWAY PROJECT.



MASSERY FILL AREA PLAN VIEW 1-29-2016

ALTERNATIVE NO. 1
SEC 26, T6N, R14W
FAULKNER COUNTY

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