



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2021-00341-1

Date: August 12, 2024

Comments Due: August 27, 2024

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 regulator, 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 Department of Transportation (ARDOT)
PO Box 2261
Little Rock, AR 72203**

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with constructing an approximate 4.1-mile segment of future Interstate 49 (I-57) that will extend from U.S. Highway 62/67 west of Corning to U.S. Highway 67 north of Corning. The project is commonly referred to as the Corning Bypass. The proposed project is located in sections 24, 25, 26, 27 and 34, T. 21 N., R. 4 E., Clay County, Arkansas.

The Corning Bypass is an integral part of the Future I-57 in Arkansas. The primary purpose of the Future I-57 project is to fill in a gap of the National Highway System between North Little Rock and Chicago, Illinois. When completed, Interstate 57 will improve connectivity and mobility for the entire region and the Corning Bypass will immediately improve traffic flow in and around Corning. South of Walnut Ridge, Highway 67 is a fully-controlled access facility connecting to Interstate 40 in North Little Rock. North of the Missouri border, Highway 67 is either built or planned to be built to a four-lane interstate-type facility to Poplar Bluff, Missouri. There are no projects currently planned to convert Highway 60 to an interstate between Poplar Bluff and Sikeston, Missouri. From Sikeston, I-57 heads north through Missouri and Illinois until it ends in Chicago, Illinois.

The Future I-57 project is also needed because there is a lack of transportation infrastructure to support economic development. There are no interstates or other fully-controlled access

highways, and there are no partially-controlled access routes to the Missouri State line within the project area. Additionally, there is a need to enhance climate resiliency along the route. Over the past 12 years, the Highway 67 corridor has experienced several major flood events causing highway disruption. The closure of Highway 67 due to extreme weather events prevents commerce from moving throughout the region, keeps locals from accessing their jobs and local commerce, inhibits emergency vehicle access between the rural communities and the medical centers in the cities, and eliminates evacuation routes for persons in lower-lying areas.

The project would be constructed entirely on new location. Diamond interchanges are proposed at each end of the project at Highway 62/67 and Highway 67. At the Highway 62/67 interchange west of Corning, only the northbound entrance ramp and southbound exit ramps would be constructed. At the Highway 67 interchange north of Corning, only the northbound exit ramp and the southbound entrance ramps would be constructed. North of Corning, additional right-of-way would be purchased east of Highway 67 in anticipation of a future section of the Future I-57 project (ARDOT Job 101173). The Corning Bypass would be a fully-controlled access facility designed to interstate standards. The proposed roadway would be a 4-lane divided highway with a depressed 80-foot-wide median and an approximate 300-foot-wide right-of-way. The roadway would have four 12-foot-wide driving lanes with 6-foot-wide inside shoulders, 10-foot-wide outside shoulders, and a proposed speed limit of 75 miles per hour. An overpass at County Road 139 is included to provide continued access for local users. County Road 143 would be severed and include cul-de-sacs on each side of the proposed roadway. Culverts and drainage improvements are also incorporated into the project to ensure proper drainage.

Direct impacts to land use would be the conversion of 260 acres to transportation right-of-way and would adversely impact 15 landowners. The project would require 3 residential locations and one business relocation. Of the 260 acres to be converted to right-of-way, 213 acres are cropland and 209 acres are classified as Important Farmland. Impacts to wetlands include 0.3 acres of permanent fill and 0.1 acres of clearing. Impacts to five intermittent streams include 4,215 linear feet of channel relocation and 94 linear feet of clearing and grubbing. Total wetland impacts are approximately 0.4 acres and total stream impacts are approximately 4,309 linear feet.

ARDOT will develop a permittee-responsible site adjacent to the Arkansas Game and Fish Commission Dave Donaldson Wildlife Management Area to mitigate for the unavoidable wetland and stream channel impacts. The mitigation site will generate 18,321 stream credits and 3.96 wetland credits. The development of the mitigation site will occur concurrently with construction of the Corning Bypass. The proposed Bypass will not impact State or Federal lands, National or State wild or scenic rivers, Extraordinary Resource Waters, or Ecologically Sensitive Waterbodies. ARDOT design standards must comply with Federal Emergency Management Agency (FEMA) approved local floodplain ordinances.

The I-57 (Walnut Ridge to the Missouri State Line) Environmental Impact Statement (EIS) was approved, and the Record of Decision (ROD) was signed by the Federal Highway Administration (FHWA) on October 24, 2023. These documents are available for viewing at ARDOT's Central Office in Little Rock or online at <https://future57.transportationplanroom.com/>. Design modifications from incorporation of the CR 139 overpass and the CR 143 cul-de-sacs resulted in additional right-of-way required at these intersections. The proposed right-of-way limits now extend beyond the original right-of-way footprint of the Future I-57 ROD Selected Alternative in these areas. Due to the development of more detailed design, right-of-way limits were also reduced in some areas, especially at the proposed interchanges. The typical section has also changed since the Final EIS-ROD, with the median width increased from 60 feet to 80 feet. The Corning Bypass project would be as shown on the enclosed sheets 1 through 17 of 17.

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

Cultural Resources. A Programmatic Agreement, which was made among the FHWA, the State Historic Preservation Officer (SHPO), ARDOT, U.S. Army Corps of Engineers and the Osage Nation, was executed on February 14, 2023, for the Future I-57 project (Job 100512). The incorporation of the CR 139 overpass and the CR 143 cul-de-sacs resulted in additional right-of-way required in these areas for the Corning Bypass.

A Phase I Cultural Resources Survey was conducted within the additional right-of-way areas and found no cultural resources. On May 14, 2024, the SHPO concurred that no historic properties would be affected within the additional right-of-way required for the Corning Bypass.

Endangered Species. A Biological Assessment was submitted to the U.S. Fish and Wildlife Service (USF&WS). USF&WS issued a concurrence letter on March 30, 2023, which concluded the Section 7 process for the Future I-57 project (Job 100512). Design modifications to the Corning Bypass and the uplisting of the Northern Long-eared Bat from Federally threatened to endangered resulted in the need to re-initiate consultation for the Corning Bypass segment.

On April 24, 2024, consultation was re-initiated with USF&WS for impacts to threatened and endangered species for the Corning Bypass. The official species list obtained from the USF&WS Information for Planning and Consultation tool identified the following species as potentially occurring within the Corning Bypass project area: Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat, Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis spp. Jamaicensis*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), Alligator Snapping Turtle (*Macrochelys temminckii*), Pink Mucket (*Lampsilis abrupta*), Pondberry (*Lindera melissifolia*) and Monarch Butterfly (*Danaus plexippus*). On April 30, 2024, USF&WS concurred the project would have no effect or may affect but is not likely to adversely affect the listed species. Additionally, the project would not jeopardize the continued existence of the Tricolored Bat, Monarch Butterfly, and Alligator Snapping Turtle.

Floodplain. ARDOT determined that the project will impact the 100-year floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (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 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 **August 27, 2024**. 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: **36.420275°** Longitude: **-90635834°**

UTM Zone: **15S** North: **4033157** East: **711946**