



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# U.S. Army Corps of Engineers (Little Rock District) 404 Public Notice Regarding Arkansas Highway and Transportation Department Application (Sharp County, Arkansas)

## Arkansas Environmental, Energy, and Water Law Blog

04/25/2016

The United States Army Corps of Engineers (Little Rock District) ("Corps") issued an April 15<sup>th</sup> Public Notice referencing a request by the Arkansas Highway and Transportation Department ("AHTD") for the placement of dredged and fill material in waters of the United States.

The proposed permit would be issued pursuant to Section 404 of the Clean Water Act and associated with replacing the bridges and upgrading the approaches over Flat Creek, Cabin Creek and Sugar Creek, and located in Sharp County, Arkansas.

The Notice states that the basic purpose of the project is to replace three structurally deficient bridges. The overall purpose of the project is to upgrade the roadway and make it safer for motor vehicle traffic on United States Highway 63. The project is deemed non water dependent.

Impacts to the three creeks is stated to be less than 300 linear feet and primarily temporary (i.e., requiring no mitigation). Impacts are described as including the permanent relocation of 520 linear feet of an unnamed tributary on the north side of U.S. Highway 63 for embankment widening, and the temporary relocation of 430 linear feet of an unnamed tributary on the south side of U.S. Highway 63 for detour road construction. Further, approximately 58 cubic yards of material would be discharged into a northern unnamed tributary and approximately 48 cubic yards of material would be discharged into a southern unnamed tributary.

The total length of the project is stated to be 0.8 miles.

The Notice provides information regarding these streams stating:

This project is located in the Ozarks Highlands Ecoregion and in the Spring river 8-digit (11010010) hydrologic unit code (HUC). Flat Creek is a perennial stream. Cabin Creek, Sugar Creek and the two unnamed tributaries that will be impacted are intermittent streams. The unnamed tributaries are moderately functional. All of the streams are located within one mile of the Spring river. The Spring River is classified as an Extraordinary Resource Water and Ecologically Sensitive Waterbody. The lower eight miles of the Spring river near its confluence with the Black River are designated as navigable under Section 10 of the Rivers and Harbors Act. Lands adjacent to the project are a mix of forested hillsides and pasture.

The federal Highway Administration has stated that the project has been approved as a National Environmental Policy Act categorical exclusion.

[Click here to download a copy of the Notice.](#)