US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: SWL 2016-00283
Date: August 17, 2016
Comments Due: September 12, 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, 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 replacing the bridge over Mill Creek and straightening the approaches. The proposed project is located approximately two miles south of the City of Yellville in section 21, T. 18 N., R. 16 W., Marion County, Arkansas. Total length of the project is approximately 0.2 miles and the majority of construction would be on new alignment.

The basic purpose of the project is to replace a structurally deficient bridge. The overall purpose of the project is to upgrade the bridge and approaches on State Highway 14 and make the roadway safer for travel. Constructing a new structure over Mill Creek and upgrading the associated approaches is not a water dependent activity.

The existing roadway consists of two 11-foot-wide travel lanes with 4-foot-wide shoulders. The existing approaches consist of a steep downhill gradient on the south approach to Mill Creek and a sharp curve on the north approach to Mill Creek. The proposed roadway would consist of two 12-foot-wide travel lanes with 8-foot-wide shoulders. Straightening and flattening the approaches would require realigning them to the east of the existing roadway and constructing the new culvert downstream from the existing bridge. The bridge would be replaced with a six barrel box culvert, measuring 12 feet wide by 12 feet high by 132 feet long, located approximately 75 feet downstream from the existing bridge. Approximately 150 linear feet of Mill Creek would be relocated and approximately 450 linear feet of an unnamed intermittent tributary to Mill Creek would be relocated. Approximately 3,625 cubic yards of fill material would be discharged into Mill Creek and approximately 2,225 cubic yards of fill material would be discharged into the unnamed stream.

The project is located on the Salem Plateau in the Ozark Highlands Ecoregion. It falls within the Bull Shoals Lake 8-digit (11010003) hydrologic unit code (HUC). Mill Creek flows northward and into Crooked Creek near Yellville. Land use in the area is a mix of timberland, pastureland and poultry houses. Mill Creek is perennial and the unnamed tributary flows intermittently. These streams are typical Ozark streams characterized by steep gradient, high flow velocity, gravel/rock substrate and relatively clear water. Both streams are fully functional. Photographs of the streams are enclosed.

Mill Creek is not classified as an Extraordinary Resource Water or Ecologically Sensitive Waterbody; however, the proposed project will require Section 401 individual water quality certification from the Arkansas Department of Environmental Quality 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. The proposed project will require the acquisition of 4.4 acres of additional right-of-way. Arkansas Natural Heritage Commission records indicate that the project lies within two miles of Gourd Cave and within five miles of Summit Cave, historic locations of the Ozark Big-eared bat *(Corynorhinus townsendii ingens),* and within 5.5 miles of Elm Cave, a historic location for both, the Indiana bat *(Myotis sodalis)* and the Gray bat *(Myotis grisescens).* The project site is also within the known range of the Northern Long-eared bat *(Myotis septentrionalis).* It has been determined that the project is not likely to adversely affect these threatened and endangered species provided stormwater best management practices (BMP's) and conservation measures (restrictions on vegetation clearing) are adhered to during construction. A survey of the area did not find any karst features. The AHTD will add a Special Provision to the contract to protect any migratory bird species that utilize the existing bridge. The AHTD conducted a cultural resources survey and determined that no sites will be impacted. The project will not relocate any residences or businesses.

During the planning stages, the AHTD evaluated the no-action alternative and options for shifting the alignment to enhance safety. Shifting the alignment to the west was not practical due to the steep topography and the amount of rock that would need to be removed. The no-action alternative would not alleviate the condition of the existing bridge or reduce the sharp approach angle. Shifting the alignment slightly to the east was determined to be the most practical option. The Little Rock District Stream Method was used to assess stream impacts and required mitigation. The Method determined that a total of 3,075 stream credits would be required for mitigation. The AHTD proposes to purchase stream mitigation credits from an approved bank that services the Bull Shoals Lake 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 and 2 of 7.

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 is not likely to adversely 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 **September 12, 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, 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.

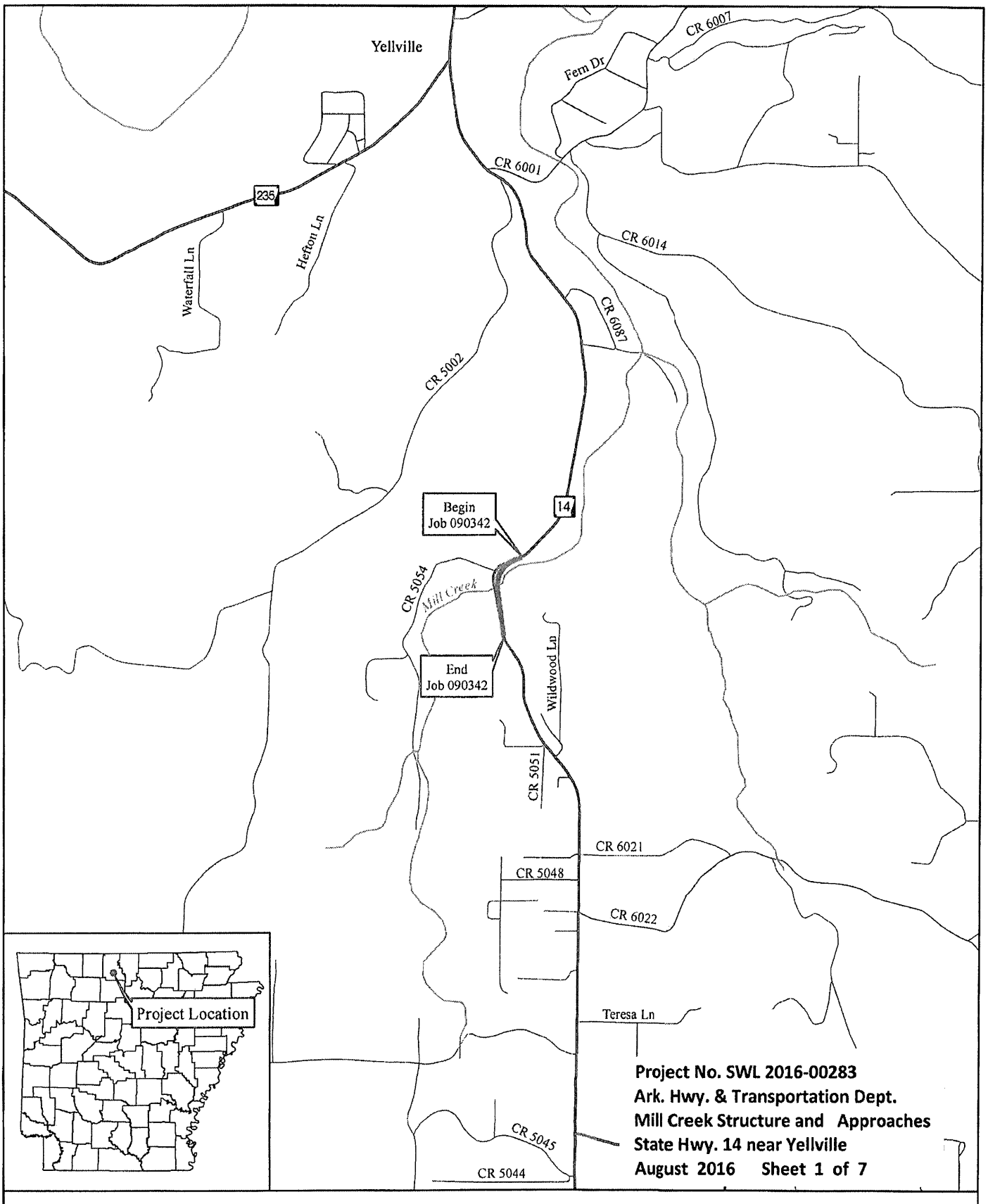
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

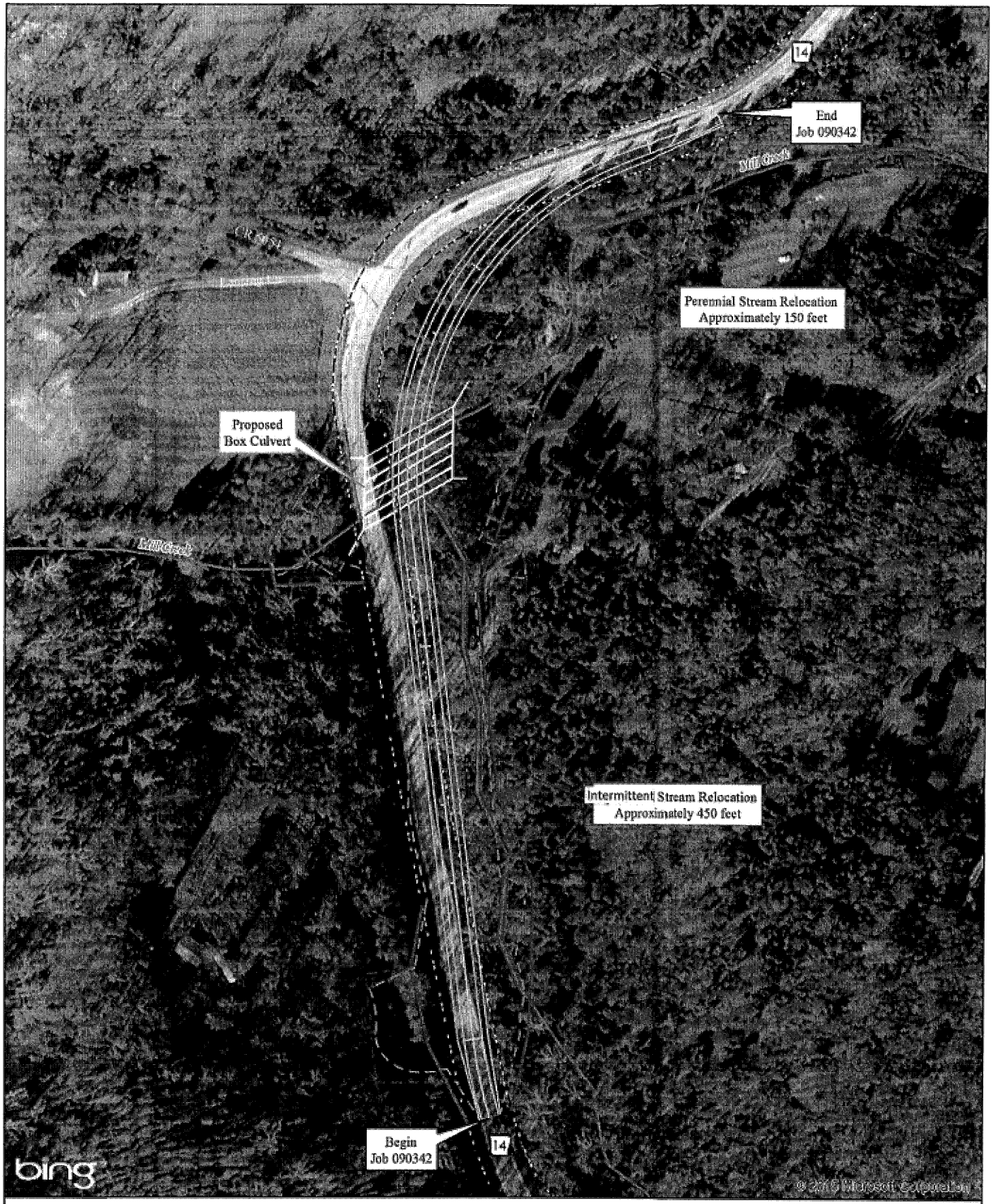
Enclosures

Approximate Coordinates of Project Center

Latitude: **36.19252** Longitude: **-92.67863**

UTM Zone: **15** Northing: **4005350** Easting: **528892**


Yellville
CR 6007
Fern Dr
CR 6001
235
Heffon Ln
Waterfall Ln
CR 6014
CR 6087
CR 5002
Begin
Job 090342
14
CR 5054
Mill Creek
End
Job 090342
Wildwood Ln
CR 5051
CR 6021
CR 5048
CR 6022
Project Location
Teresa Ln
CR 5045
CR 5044
Project No. SWL 2016-00283
Ark. Hwy. & Transportation Dept.
Mill Creek Structure and Approaches
State Hwy. 14 near Yellville
August 2016 Sheet 1 of 7
N
0 1,000 2,000
Feet
AHTD - Environmental GIS - Strawn
December 18, 2014
Job 090342
Mill Creek Str. & Apprs. (Hwy. 14)
Marion County
Project Location



N

0 75 150

Feet

AHTD - Environmental GIS - Strawn
January 26, 2015

Job 090342
Mill Creek Str. & Apprs. (Hwy. 14)
Marion County

Sheet 2 of 7

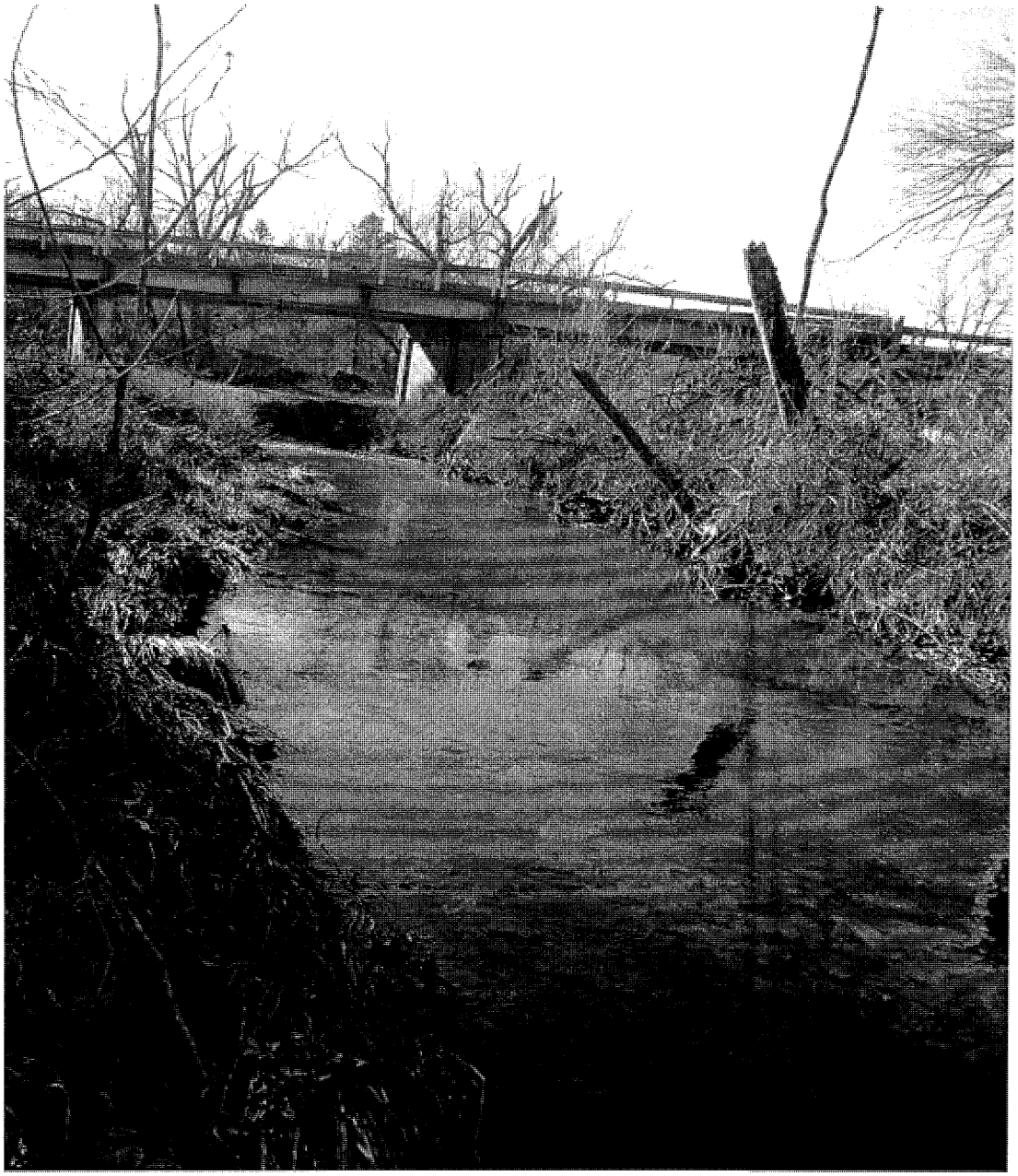
Proposed Road
Proposed Right of Way
Construction Limits
Existing Right of Way

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'	Intermittent	blank	blank	blank
Priority Area	Tertiary	Tertiary	blank	blank	blank
Existing Condition	Fully Functional	Fully Functional	blank	blank	blank
Duration	Permanent	Permanent	blank	blank	blank
Activity	Fill	Fill	blank	blank	blank
Cumulative Linear Impact	100-200' 0.05	201-500' 0.1	blank	blank	blank
Sum of Factors	M = 5.2	5.1	0	0	0
Linear Feet of Stream Impacted in Reach	LF= 150	450			0
M X LF	780.00	2295	0	0	0

Total Mitigation Credits Required = (M X LF) = 3075



Looking upstream at existing Mill Creek Bridge

Looking downstream at Mill Creek near where 150 linear feet would be relocated

Looking downstream at unnamed intermittent tributary

Looking upstream at unnamed intermittent tributary near confluence with Mill Creek