



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 2016-00119

Date: April 15, 2016

Comments Due: May 10, 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, Mr. 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

**Arkansas Highway and Transportation Department (AHTD)
PO Box 2261
Little Rock, Arkansas 72203-2261**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the bridges and upgrading the approaches over Flat Creek, Cabin Creek and Sugar Creek, beginning approximately one mile east of Hardy. The proposed project is located on U.S. Highway 63 in section 12, T. 19 N., R. 5 W., and in sections 17 and 18, T. 19 N., R. 4 W., Sharp County, Arkansas.

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 U.S. Highway 63. The project is not water dependent.

The proposed project would replace the bridges over Flat Creek and Sugar Creek with new composite beam bridges on existing alignment. The bridge over Cabin Creek would be replaced with a quadruple concrete reinforced box culvert on existing alignment. Detour roads would be constructed upstream from the existing bridges at Cabin Creek and Sugar Creek. Approach lanes would be widened to 12 feet with 8-foot-wide shoulders. Impacts to Flat Creek, Cabin Creek and Sugar Creek would be less than 300 linear feet and primarily temporary, requiring no mitigation. Two unnamed intermittent tributaries of Sugar Creek would be impacted by the project. Stream impacts would include 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. Approximately 58 cubic yards of material would be discharged into the northern unnamed tributary and approximately 48 cubic yards of material would be discharged into the southern unnamed tributary. Total length of the project is 0.8 miles.

This project is located in the Ozark 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 (FHWA) approved this project as a categorical exclusion (CE) on February 3, 2015. The project will require the acquisition of 1.4 acres of additional right-of-way. There are no wetlands, relocatees, environmental justice issues or prime farmlands associated with the project. Two historic places were avoided. The bridges over Flat Creek, Cabin Creek and Sugar Creek were determined eligible for the inclusion on the National Register of Historic Places. The Programmatic Section 4(f) Evaluation for the historic bridges was completed in January 2015, and no entity expressed interest in taking ownership of the bridges. Therefore, the bridges will be demolished and impacts will be mitigated in accordance with the Memorandum of Agreement between the AHTD, FHWA and State Historic Preservation Officer (SHPO).

The City of Hardy and Sharp County participate in the National Flood Insurance Program (NFIP). The project lies within Zone A-Special Flood Hazard Area, as designated by the NFIP, and shown on Panel 125 of the Sharp County Flood Insurance Rate Map. The AHTD has determined that the project will not support incompatible use and development of the floodplain and adjacent properties should not be impacted nor have a greater flood risk than existed before construction of the project. The most practicable alignment for the project was selected. Minimization was accomplished by designing the bridges and approaches on existing alignment. Moving the project off existing alignment would require the acquisition of additional right-of-way. There are streams located on both sides of the roadway at Sugar Creek; therefore, complete avoidance was not possible. The AHTD proposes to provide permittee-responsible mitigation for the unavoidable impacts to 950 linear feet of stream with 3,977.5 credits. Stream credit requirements were calculated utilizing the Little Rock District 2011 Stream Method. The location and general plan for the proposed work are shown on the enclosed sheets 1 through 5 of 6.

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. The AHTD staff archeologists have reviewed topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The FHWA has completed coordination with all associated Native American Nations and tribal governments.

The District Engineer invites responses to this public notice from 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. The project lies within the current known range of the Federally endangered Northern Long-eared Bat (*Myotis septentrionalis*). 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 other 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 **May 10, 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.

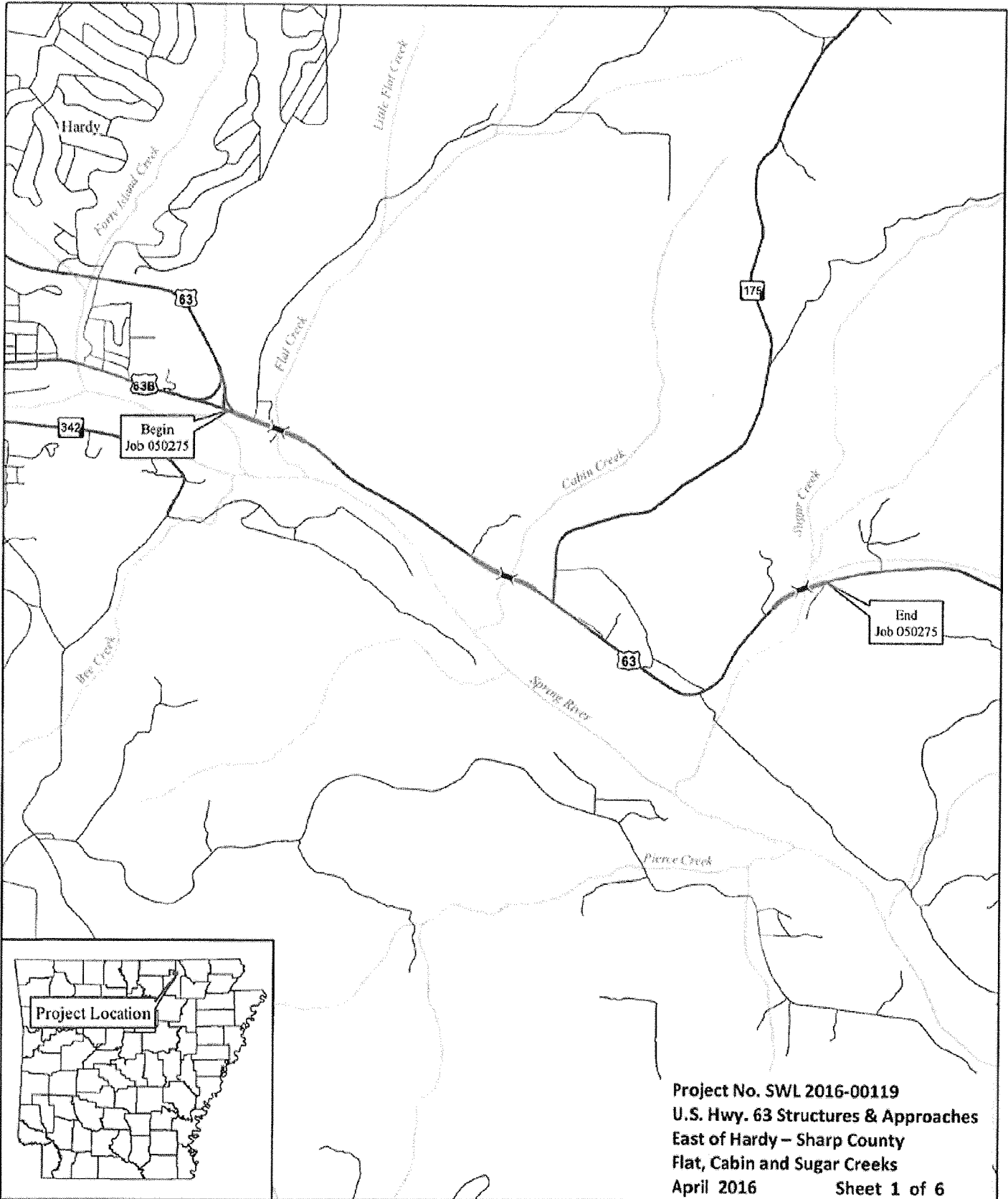
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.30369** Longitude: **-91.44803**

UTM Zone: **15** North: **4018751** East: **639342**



Project No. SWL 2016-00119
 U.S. Hwy. 63 Structures & Approaches
 East of Hardy – Sharp County
 Flat, Cabin and Sugar Creeks
 April 2016 Sheet 1 of 6



AHFD - Environmental GIS - Strawn
 January 16, 2015

Job 050275
 Hardy - Ozark Acres
 Strs. & Apprs. (Hwy. 63)
 Sharp County

| | |
|--|------------------|
| | Bridge |
| | Project Location |