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

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Army Corps of Engineers (“Little Rock District”)(“Corps”) issued an August 17<sup>th</sup> public notice referencing a Section 404 Clean Water Act Application by the Arkansas Highway and Transportation Department (“AHTD”).

The notice states that AHTD 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 stated to be approximately two miles south of the City of Yellville in Marion County, Arkansas. The project length is 0.2 miles and the majority of the construction is stated to be new alignment.

As previously noted, the basic purpose of the project is stated to be to replace a structurally deficient bridge. The overall purpose of the project is stated to be to upgrade the bridge and approaches on State Highway 14 making the road safer for travel. This project is stated to be non-water dependent.

Approximately 150 linear feet of Mill Creek and 450 linear feet of an unnamed intermittent tributary to Mill Creek is proposed to be relocated. Further 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.

Mill Creek is not classified as an Extraordinary Resource Water or Ecologically Sensitive Waterbody. Nevertheless, it is noted that the proposed project will require a Clean Water Act Section 401 individual water quality certification from the Arkansas Department of Environmental Quality. No wetland impacts are projected.

The Federal Highway Administration (“FHWA”)is stated to have approved this project as a Tier 3 Categorical Exclusion under its regulations and the AHTD/FHWA Memorandum of Agreement. The proposed project envisions the acquisition of 4.4 acres of additional right-of-way. Further, the public notice states:

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.

As to the mitigation, the Little Rock District's Stream Method was used to determine that a total of \$3,075 stream credits would be required for mitigation. These would be purchased from an approved bank that services the Bull Shoals Lake watershed.

[A copy of the public notice can be downloaded here.](#)