

APPLICATION NO. MVK 1999 - 1128

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATE OF ARKANSAS
(25-Day Comment Period)
(Comment Expiration Date - October 22, 2004)

TO WHOM IT MAY CONCERN: **The purpose of this public notice is to provide an opportunity for public review and comment on a proposed wetland mitigation bank sponsored by:**

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

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers is responsible for regulating the discharge of dredged and fill material in waters of the United States, including wetlands, for the construction of AHTD highways. When Section 404 Department of the Army permits are issued for AHTD projects, mitigation is required to compensate for the adverse impacts to waters of the United States. To address Section 404 mitigation requirements for future highway projects located in portions of the Gulf Coastal Plain and Ouachita Wetland Planning Regions of Arkansas, AHTD has requested authorization to convert a 335.0-acre site that they have already restored for compensatory mitigation purposes to a wetland mitigation bank. The mitigation bank would be known as the Middle Ouachita River Mitigation Bank (MORMB) and located in portions of sections 29, and 30, T. 7 S., R. 19 W., and section 25, T. 7 S., R. 20 W., south of Arkadelphia, in Clark County, Arkansas.

AHTD has prepared a mitigation-banking prospectus, in accordance with the "Establishment, Use and Operation of Mitigation Banks," which was published in the Federal Register on November 28, 1995, and Regulatory Guidance Letter No. 02-2, dated December 24, 2002, for the development of a Mitigation Bank Instrument (MBI) for the proposed MORMB. Also, a Mitigation Bank Review Team has reviewed and obtained a consensus on transforming the prospectus to a Draft MBI. The Draft MBI outlines existing work performed on the 335.0-acre site to complete the objectives of restoring wetland hydrology and vegetation on 255.0 acres of prior converted cropland and reforesting 58.0 acres of upland cropland that enhances the aquatic functions and increases the overall ecological functioning of the restored wetlands. There are 22.0 acres of levees and ditches which will be withdrawn from the bank site, along with 43.0 acres of credits already used to offset the

adverse impacts to wetlands by previous authorized highway projects located within the proposed service area. Therefore, 270.0 acres of the site remains available for use in the MORMB. Also, the discharge of fill material associated with restoring wetland hydrology on the 255.0 acres of prior converted cropland on the site was not subject to regulation under Section 404 of the Clean Water Act and did not previously require a Department of the Army permit.

Credits would be used solely by AHTD as compensatory mitigation for highway projects permitted by the Little Rock and Vicksburg Districts in the designated service area. Credits would only be debited from the MORMB when on-site compensation is either not practicable or is less environmentally preferable. The Charleston Assessment Method was used to establish a total of 979 credits for debit in the MORMB. This represents an approximate average of 3.6 credits per acre. Up to 60 per cent of the credits will be made available upon approval of the MORMB. The remaining 40 per cent will be made available only when the hydrological wetland parameter established on the site is determined to be self-sustaining. Also, compensatory mitigation ratio requirements for each highway project located in the service area will be determined by the use of best professional judgment for impacts of one-half acre or less and by the use of the Charleston Assessment Method for all impacts greater than one-half acre.

A deed restriction has been filed on the proposed MORMB site with the Clark County Clerk and is included with the Draft MBI, requiring that any future activity on it comply with the terms and conditions contained in an approved MBI. A copy of the Draft MBI may be obtained from the Arkansas State Highway and Transportation Department, Environmental Division, P.O. Box 2261, Little Rock, Arkansas 72203-2261, (501) 569-2522 or the Little Rock District Corps of Engineers, Regulatory Branch, P.O. Box 867, Room 6110, Federal Building, 700 West Capitol, Little Rock, Arkansas 72203, (501) 324-5296.

The location and general plan for the proposed work are shown on the enclosed sheets.

Points of Contact. If additional information is desired, it may be obtained from the applicant or by contacting Mr. Larry Harrison, Little Rock District Corps of Engineers, Regulatory Branch, Room 6110, Federal Building, 700 West Capitol, Little Rock, Arkansas, telephone number (501) 324-5296 (mailing address: P.O. Box 867, Little Rock, Arkansas 72203-0867), e-mail address: larry.j.harrison@usace.army.mil.

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 National Register of Historic Places has been consulted; and it has been determined that there are no properties currently listed in the Register, or eligible for inclusion therein, which would be affected by the proposed work. A Corps staff archeologist also will review topographic maps and data on reported sites in the area. If it is determined that further review is not warranted, these reviews will constitute the full extent of cultural resources investigation by this office unless we are made aware, as a result of comments received in response to this notice or by other means, of the existence of specific structures or sites which might be affected by the proposed work.

Endangered Species. 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 listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain 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 this office written comments or objections relative to the proposed work on or before October 22, 2004. 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.

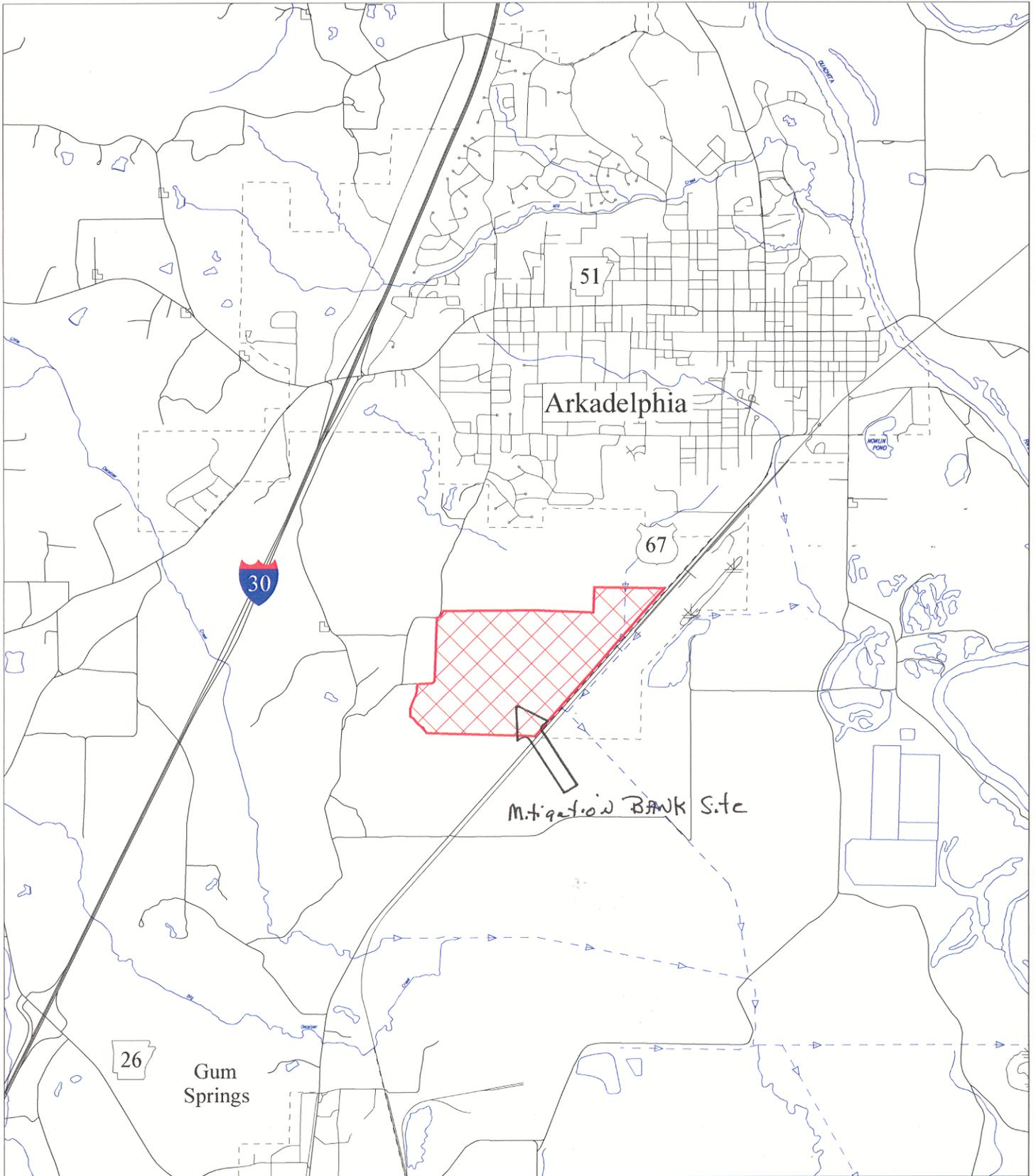
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices,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

Enclosures

Approximate Coordinates of Project Center

Latitude: **34 -05-50.616** Longitude: **93 -04-42.135**

UTM Zone: **15** North: **3772957.74** East: **492770.83**



Middle Ouachita River Mitigation Bank Site

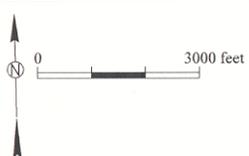
Location Map - Clark County

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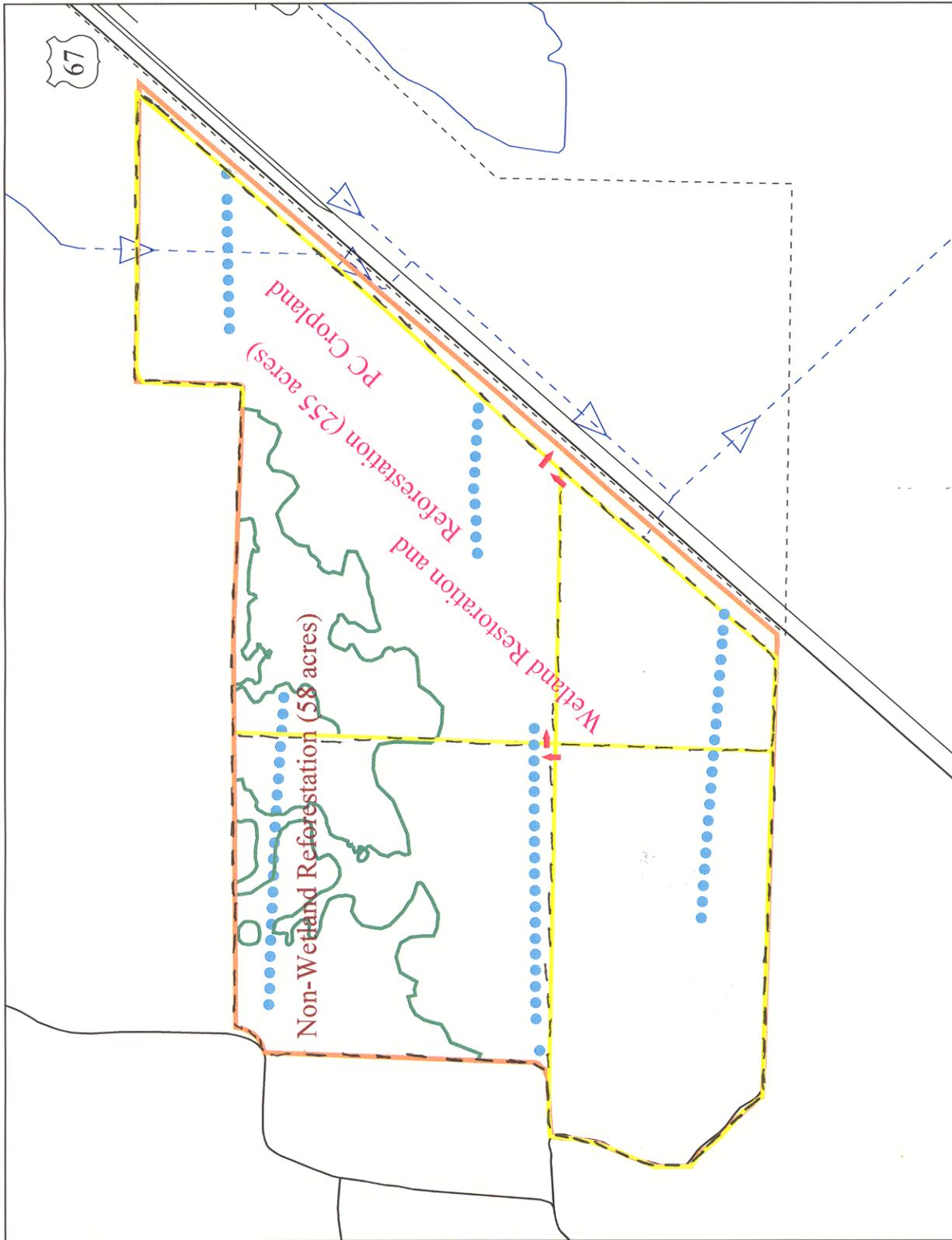
AHTD

Mitigation Bank

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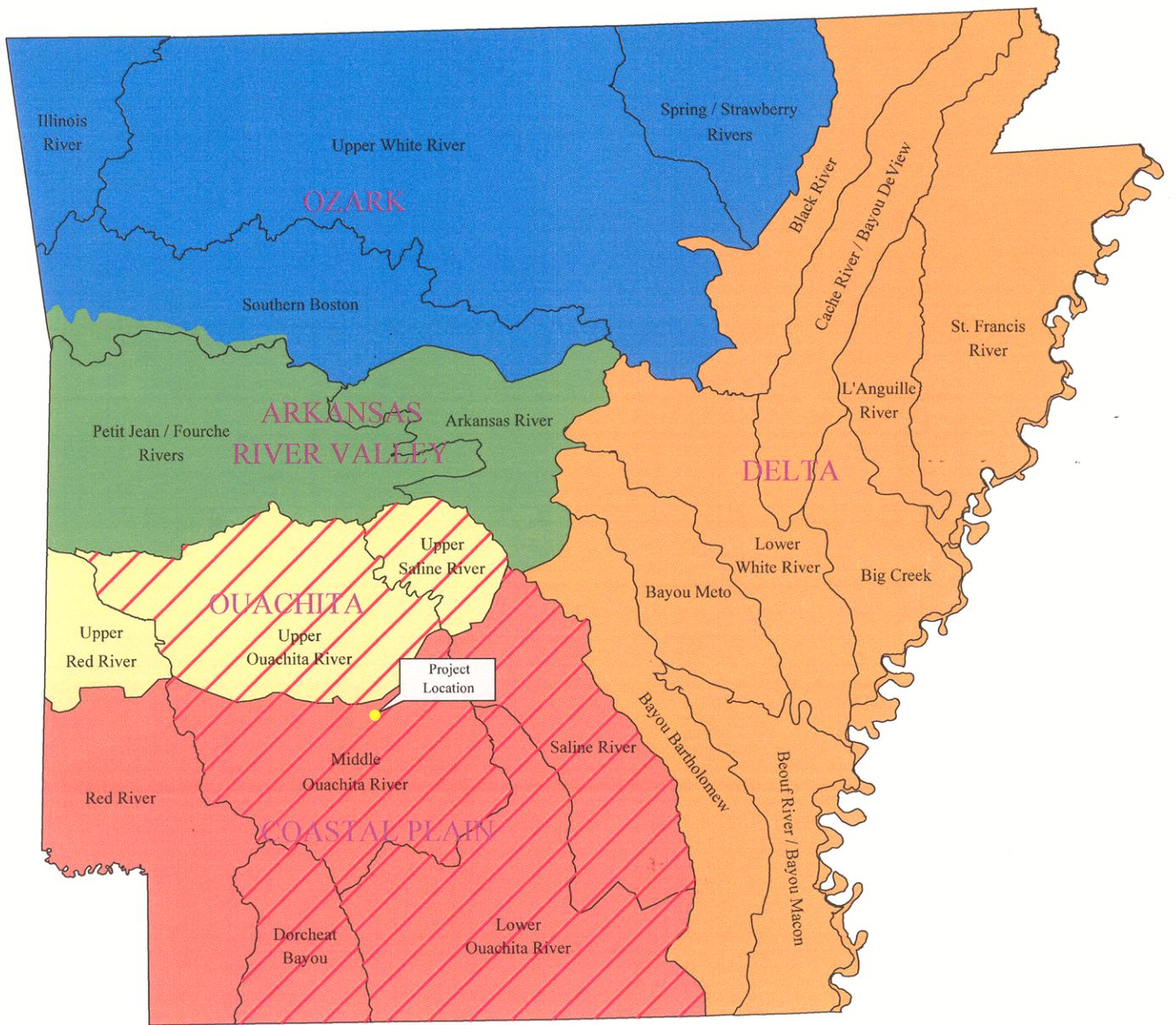
 Project Area



Wetland Mitigation Plan
 Middle Ouachita River Mitigation Bank Site
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Project Area
 Monitoring Plots
 Flashboard Risers
 Levees (22 acres)

AHTD-Environmental GIS - Reed
 09/20/2004



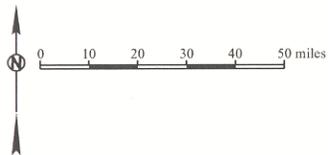
Middle Ouachita River Mitigation Bank Site
Geographic Service Areas

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 Service Area