



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Mayor Mary Jo Heye-Townsell
City of Sherwood

Published: April 16, 2025
Expires: April 30, 2025

**Vicksburg District
Permit Application No. MVK-2021-00793**

TO WHOM IT MAY CONCERN: The Vicksburg District of the U.S. Army Corps of Engineers (Corps) has received a modification request for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) **and/or** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403). This public notice will also serve as a joint public notice with The Arkansas Department of Environmental Quality for State Water Quality Certification. The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Mayor Mary Jo Heye-Townsell
City of Sherwood
Post Office Box 6256
Sherwood, Arkansas 72124

AGENT: Mr. Colby Marshall
Garver
2049 E. Joyce Blvd.
Suite 400
Fayetteville, Arkansas 72703

WATERWAY AND LOCATION: The permit modification would affect waters of the United States associated with Kellogg Creek. The permit modification area is located west of State Highway 107 along the Jacksonville-Cato Road in Section 20, Township 3 North, Range 11 West; at Latitude 34.872297 and Longitude -92.203899; in Pulaski County, Arkansas.

EXISTING CONDITIONS: The modified project boundary consists of an approximately 14-acre section of the Jacksonville-Cato Road and adjacent land west of State Highway 107, west of the Gravel Ridge community north of Sherwood, Pulaski County, Arkansas. The site is located in HUC 08020402, Bayou Meto. The site is currently a maintained roadway along with its adjacent right-of-way. The natural hydrology of the area has been significantly altered from its natural state by the construction of the Jacksonville-Cato Road road-bed. Surface water on site drains to the south into Kellogg Creek, which then flows to the Arkansas River, which eventually becomes a section 10 Traditionally Navigable Water (TNW).

Vegetation within the proposed project boundary is a mixture of maintained herbaceous vegetation adjacent to the road-bed and forested vegetation. Forested wetlands contain such species as American Elm (*Ulmus americana*), Red Maple (*Acer rubrum*), Willow Oak (*Quercus phellos*), Sweetgum (*Liquidambar styraciflua*), Chinese Privet (*Ligustrum sinense*), and Horsebrier (*Smilax rotundifolia*). Herbaceous wetlands contain species such as Hairy Buttercup (*Ranunculus sardous*), Sallow Sedge (*Carex lurida*), Path Rush (*Juncus tenuis*), Fall Panic Grass (*Panicum dichotomiflorum*), and Seedbox (*Ludwigia alternifolia*). Hydric soils within the project consists of Guthrie-Leadvale complex soils, Leadvale-Urban land complex soils, Leadvale silt loam soils, and Rector silt loam soils.

PROJECT PURPOSE:

Basic: The basic project purpose for the initial permitted project was to elevate the roadway above the flood plain, straighten geometry for safety purposes and to accommodate traffic for a growing community.

The basic project purpose for the permit modification remains the same.

Overall: The overall project purpose for the project is for the expansion of the existing right-of-way, improved drainage, and increased safety through roadway straightening and the addition of sidewalks and bicycle lanes.

PROPOSED WORK: The initially permitted project included straightening the geometry, raising the elevation, widening the roadway, increasing the Right-of-Way (ROW) width, drainage improvements, and adding bike lanes and sidewalks alongside the Jacksonville-Cato Road.

The permit modification includes the previously mentioned proposed activities as well as the construction of a roundabout. Additionally, the proposed modification retained a curve in the road that the initially permitted plans proposed to straighten. Under the initial permit, the applicant was authorized to impact 1.4 acres of jurisdictional wetlands and 647 linear feet of jurisdictional streams. The permit modification impacts to jurisdictional wetlands would be reduced by 0.01 acres, leading to impacts to 1.39 acres of wetlands. Of this acreage, approximately 0.09 acres of jurisdictional wetlands have already been impacted by the initially permitted project. The remaining 1.3 acres of proposed wetland impacts for the permit modification, including approximately 0.22 acres of shrub/herbaceous wetlands, 0.96 acres of forested wetlands, and 0.12 acres of open water, are proposed to be impacted. Additionally, the modification reduces impacts to jurisdictional streams within the project boundary by 267 linear feet, leading to impacts to approximately 380 linear feet of jurisdictional streams.

AVOIDANCE AND MINIMIZATION: The following was provided for the initial permit in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Avoidance and minimization were achieved in design by proposing the alignment on or near the existing alignment. Reconfiguration of the project design would not achieve the project objectives.

The project modification further supports efforts to avoid and/or minimize impacts to the aquatic environment by reducing impacts to wetlands within the project area by 0.01 acres and by reducing impacts to streams within the project area by 267 linear feet.

COMPENSATORY MITIGATION: The applicant compensated for unavoidable impacts to jurisdictional wetlands and streams associated with the project through the purchase of 12.6 wetland credits and 2,717.4 stream credits from an approved U.S. Army Corps of Engineers-Vicksburg District mitigation bank located within the service area (08020402).

Considering that impacts for this project to wetlands and streams have been reduced by the proposed modification, further compensatory mitigation will not be required for this project.

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, utilizing the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), to determine if any threatened, endangered, proposed, or candidate species, as well as proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has determined that the proposed activity would have no effect on the Piping Plover, Eastern Black Rail, and Rufa Red Knot. Also, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat. The Corps has made a no jeopardy determination for the proposed project on the Tricolored Bat, a Proposed Endangered species.

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402. The Corps is the lead Federal agency for ESA consultation for the proposed action. Any required consultation will be completed by the Corps.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened

species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification was required from the Arkansas Department of Environmental Quality (ADEQ) for the initial permit.

Water Quality Certification may be required from the Arkansas Department of Environmental Quality (ADEQ) for the proposed modification.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general

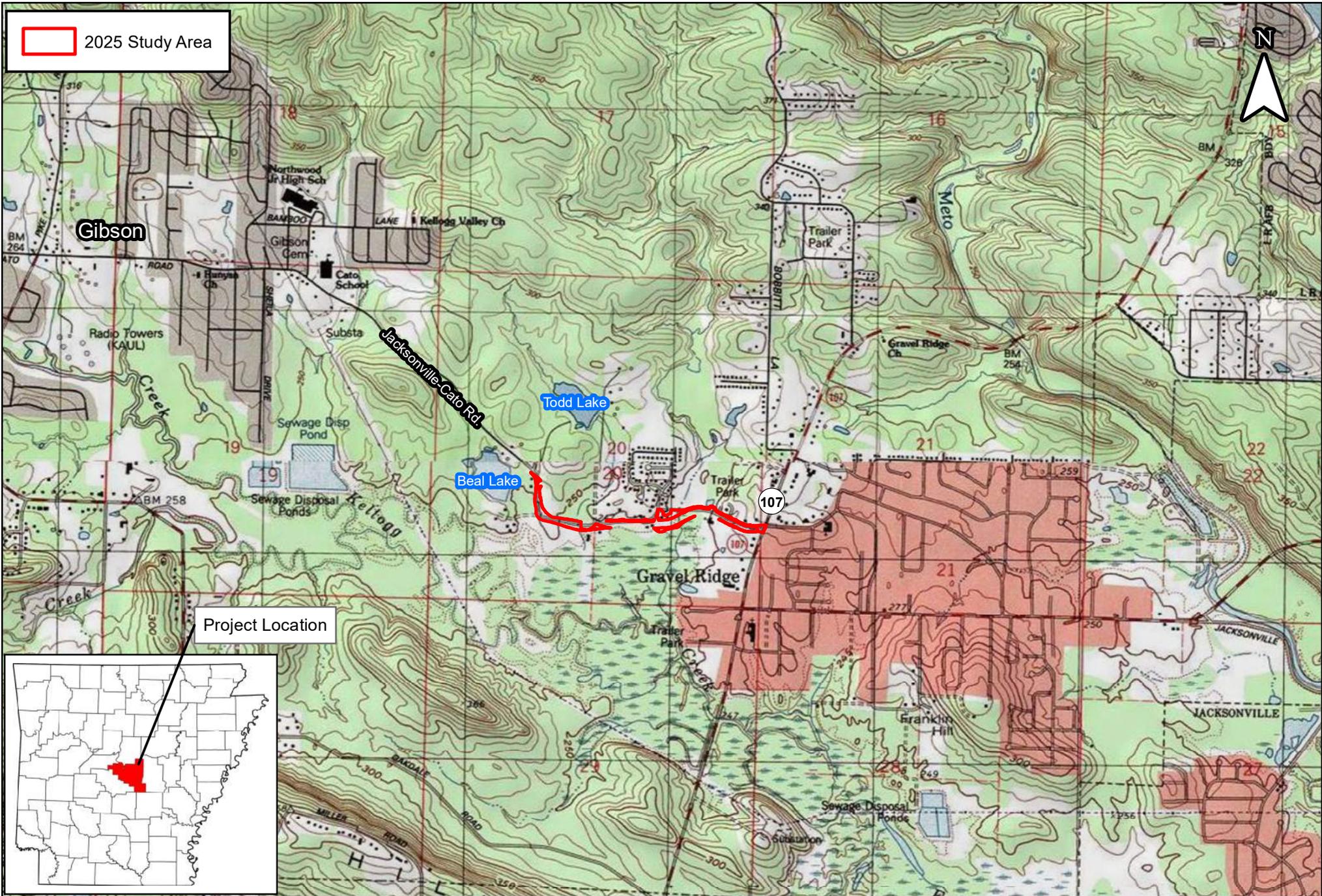
environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Vicksburg District will receive written comments on the proposed work, as outlined above, until April 30, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to William McFarland at William.J.Mcfarland@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Vicksburg District, Attention: CEMVK-RD, 4155 East Clay Street Vicksburg, Mississippi 39180. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

**Andy Sanderson
Chief, Arkansas and Louisiana Branch
Regulatory Division**



SITE LOCATION MAP
 Jacksonville-Cato Road Street and
 Drainage Improvements - Phase 2
 Sherwood, Pulaski County, Arkansas
 USGS Topographic Map; ESRI GIS INFORMATION

Start: Lat: 34.875033°
 Long: -92.209355°
 End: Lat: 34.872079°
 Long: -92.196365°

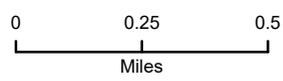
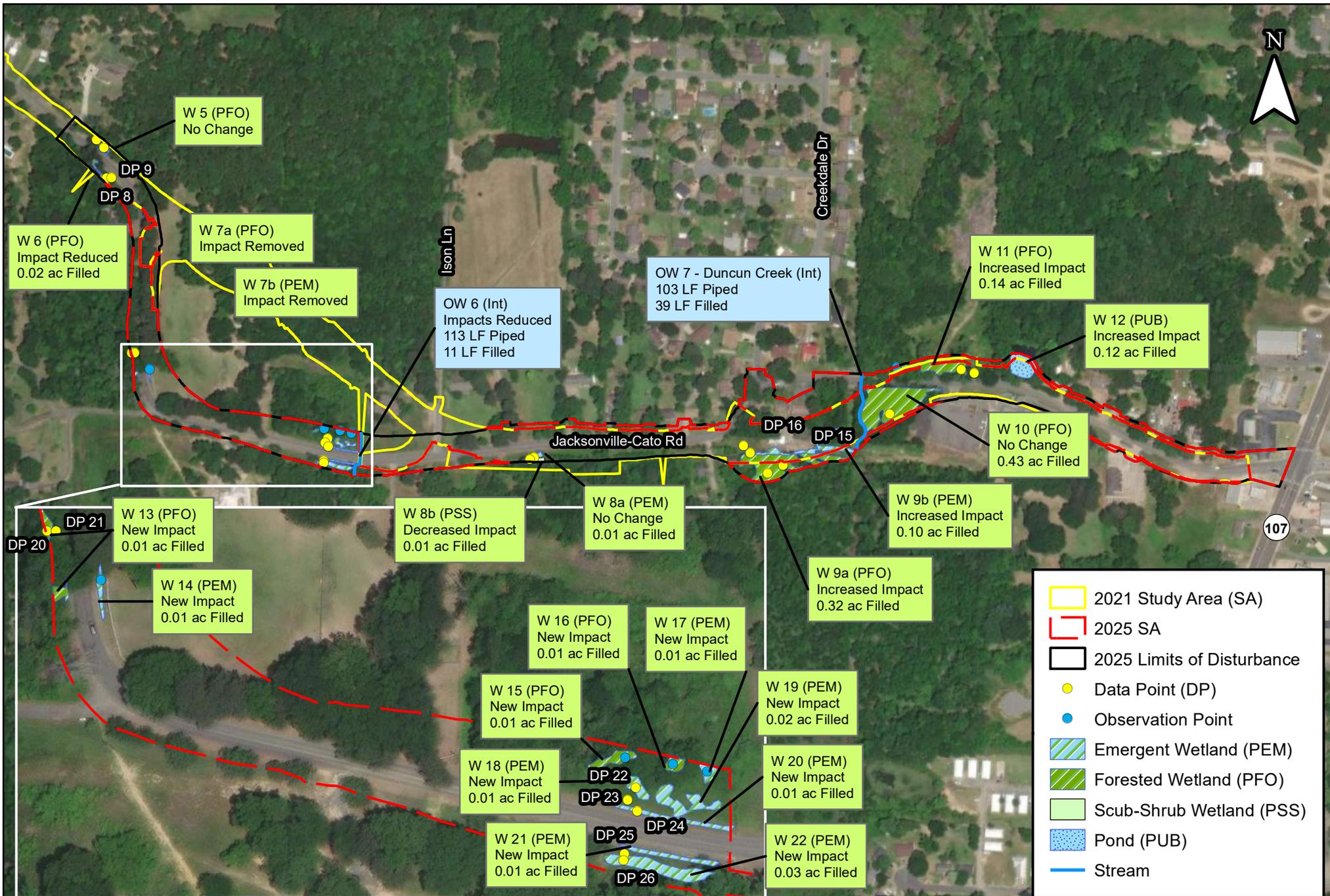


Figure 1



WETLAND DELINEATION MAP
 Jacksonville-Cato Road Street and
 Drainage Improvements - Phase 2
 Sherwood, Pulaski County, Arkansas
 2023 ESRI Aerial Imagery; ESRI GIS INFORMATION

Start: Lat: 34.875033°
 Long: -92.209355°
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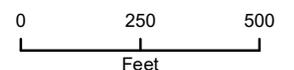


Figure 3