

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL 2019-00056

Date: August 24, 2022

Comments Due: September 19, 2022

TO WHOM IT MAY CONCERN: Comments are invited on the work described below. Please see the <u>Public Involvement</u> section for details on submitting comments.

<u>Point of Contact</u>. If additional information is desired, please contact the regulator, Gerald Dickson, telephone number: (501) 340-1372, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Gerald.W.Dickson@usace.army.mil

<u>Project Information</u>. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

The Honorable Barry Hyde Pulaski County Judge 201 South Broadway, Rm. 400 Little Rock, Arkansas 72201

has requested authorization for work, including the placement of dredged and fill material, in waters of the United States associated with the construction of an approximately 60-mile-long recreational trail from Hot Springs National Park to the Central High School National Historic Site. The proposed project is located in multiple streams and wetlands, in Garland, Pulaski, and Saline Counties, Arkansas.

The project purpose is to provide a bicycle and pedestrian connection between Hot Springs National Park, the historic Saline River bridge, the Little Rock Central High School National Historic Site, the Arkansas River Trail, and the cities and communities in between these facilities. The project would allow pedestrians and bicyclists to safely enjoy outdoor recreation while fostering healthier communities and healthier individuals to enjoy a better quality of life while also providing a "green" transportation alternative and an economic stimulus to the local and regional economies.

The project is located in the U.S. Army Corps of Engineers (USACE) Little Rock District, and the USACE Vicksburg District. The Little Rock District is the Lead District.

Approximately 9.857 acres of wetlands (temporary and permanent impacts) and 9,169 LF of streams (temporary and permanent impacts) will be affected by this project. A total of 16,826 cubic yards (CY) of fill is proposed within wetlands and 13,303 CY within streams. Fill types primarily include concrete from the trail base. Approximately 10,400 linear feet of the trail will utilize a boardwalk-style trail that will significantly minimize wetland impacts; resulting in

clearing as the dominant impact type rather than fill. The modular trail structure design of the boardwalk will allow for construction without the need for equipment to be in the wetlands. Additionally, approximately 50 miles (84%) of the project will utilize existing roadways and abandoned railroad beds for the trail alignment.

The project will be located in multiple diverse urban, rural and agricultural areas in the South-Central Plains and Ouachita Mountains Ecoregions of Arkansas. A total of 16 streams and 7 wetlands were observed within the Hot Springs Urban Area. A total of 51 streams and 13 wetlands were observed within the Ouachita Mountains Area. A total of 9 streams, 6 wetlands, and 2 ponds were observed within the Saline River Area. A total of 33 streams, 20 wetlands, and 2 ponds were observed within the Benton Urban and Saline County Suburban Areas. A total of 17 streams, 32 wetlands, and 1 open water wetland (PUB) were observed within the Little Fourche Creek Area. A total of 5 streams and 12 wetlands were observed within Fourche Bottoms Area. A total of 8 streams were observed within the Little Rock Urban Area. In total, 91 wetlands (summing to 26.025 acres), 4 ponds (0.296 acres), and 140 streams (23,420 LF) were identified within the project area.

The applicant proposes to mitigate for the unavoidable impacts resulting from the proposed project with the purchase of approximately 36,627.2 stream credits (2011 Little Rock Stream Method) and 91.76 wetland credits (2002 Charleston Method) from a Corps approved mitigation bank(s).

The project has been evaluated by the Federal Highway Administration under an Environmental Assessment (EA) dated September 30, 2020 and determined to have a Finding of No Significant Impact (FONSI) dated November 19, 2020. The current EA and FONSI can be viewed at https://swtrail.transportationplanroom.com/exhibits-materials-vpm2. Due to changes in the original alignment of the trail, this EA and FONSI are currently being re-evaluated at this time.

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

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. The applicant submitted a certification request to the Water Quality Planning Branch of the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority) with copy to the Corps on July 18, 2022. In accordance with Certification Rule Part 121.6, the Corps has determined the reasonable period of time for the certifying agency to act upon the certification request is 60 days. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

<u>Cultural Resources</u>. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. 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.

<u>Endangered Species</u>. 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.

<u>Floodplain</u>. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

<u>Section 404(b)(1) Guidelines</u>. 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 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 19, 2022**. 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.

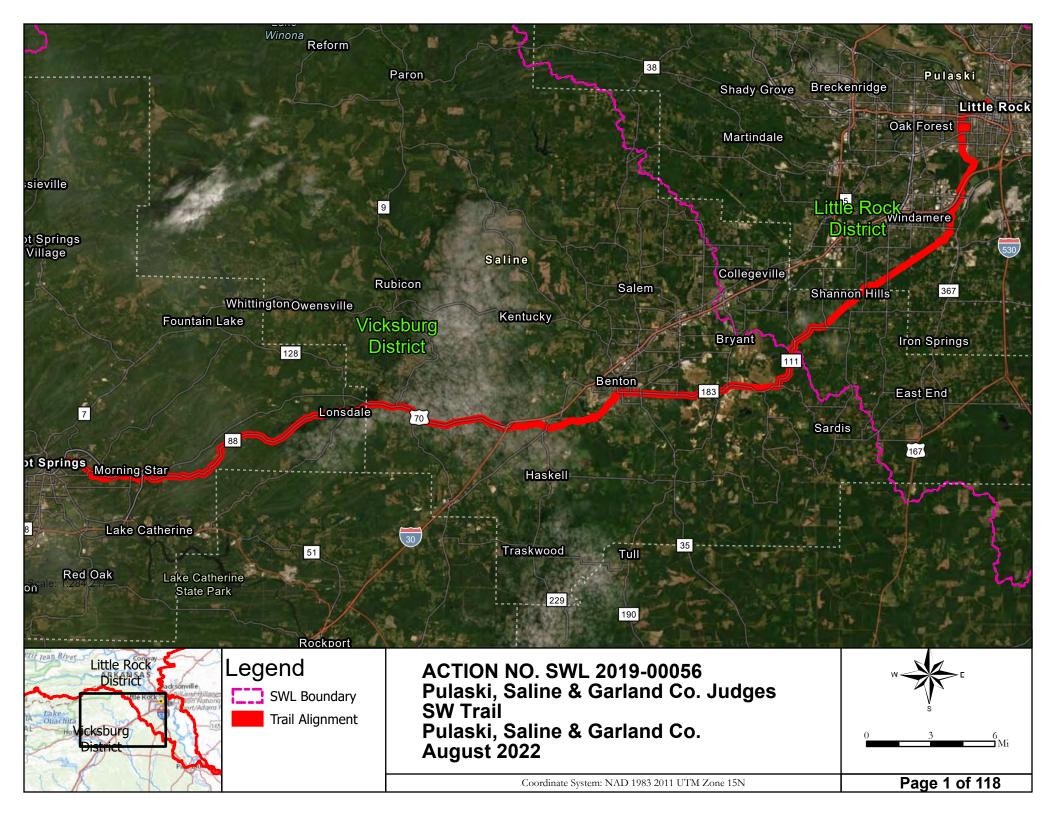
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

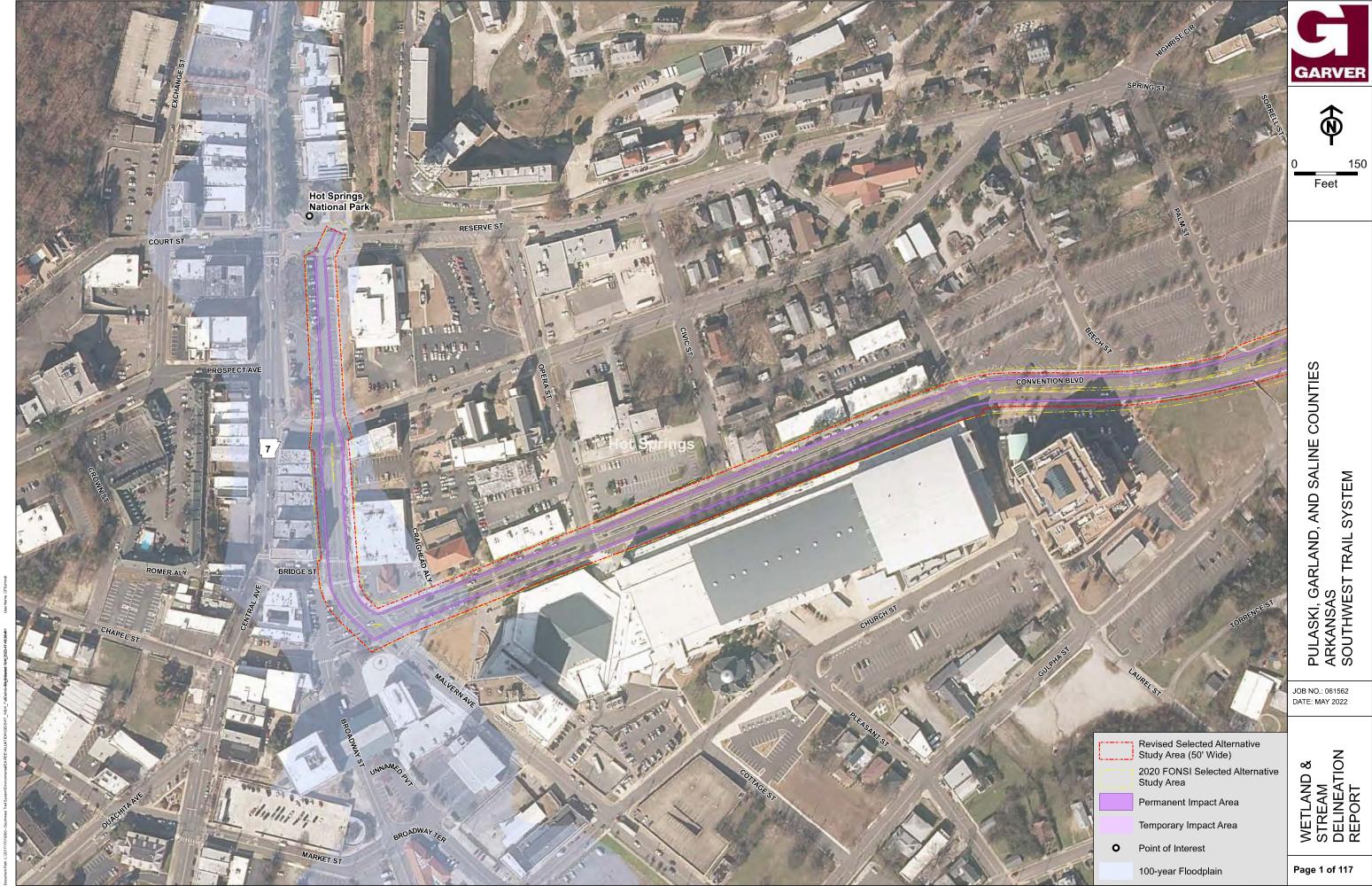
Enclosures

Approximate Coordinates of Project Start & End

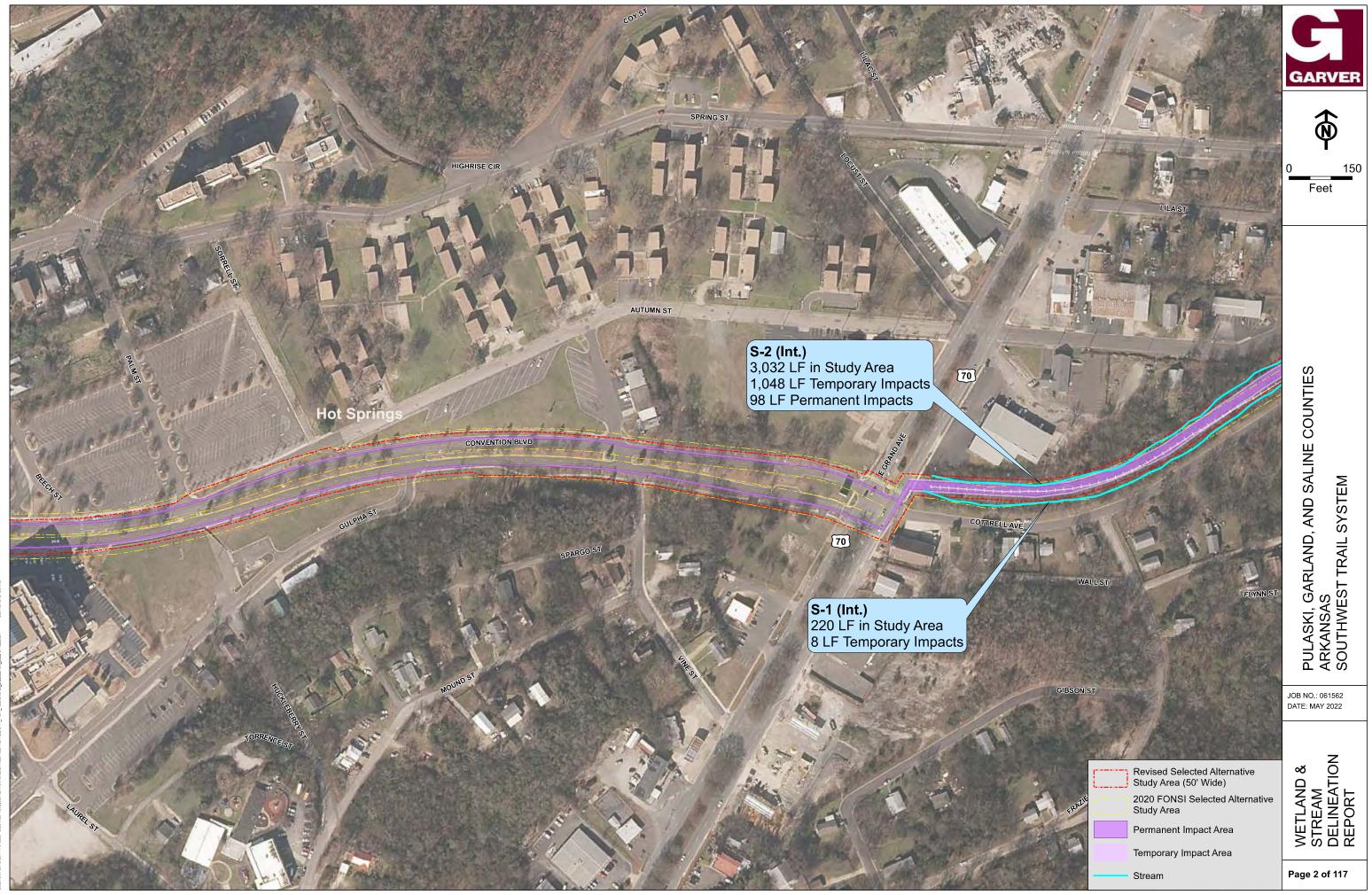
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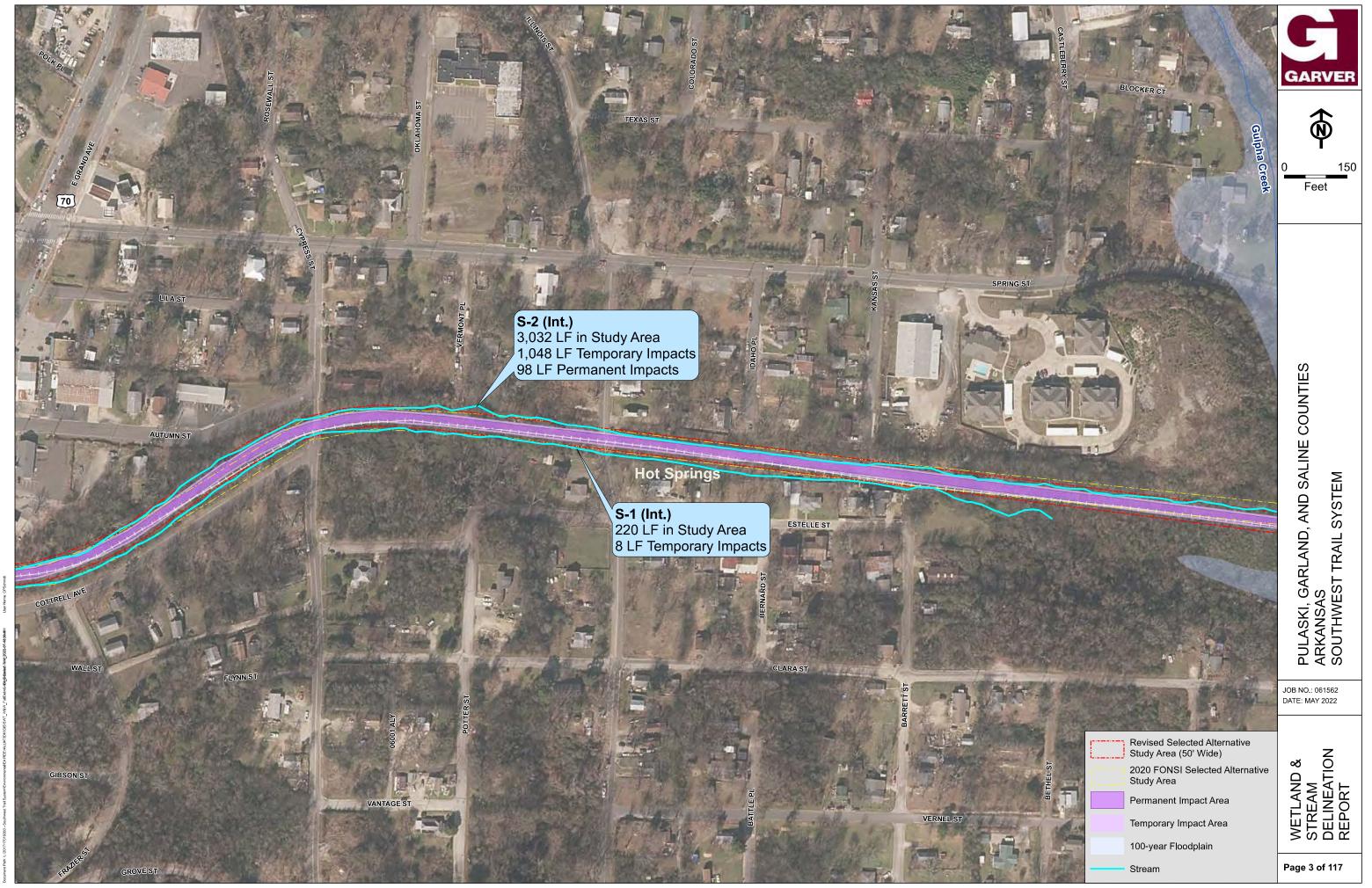




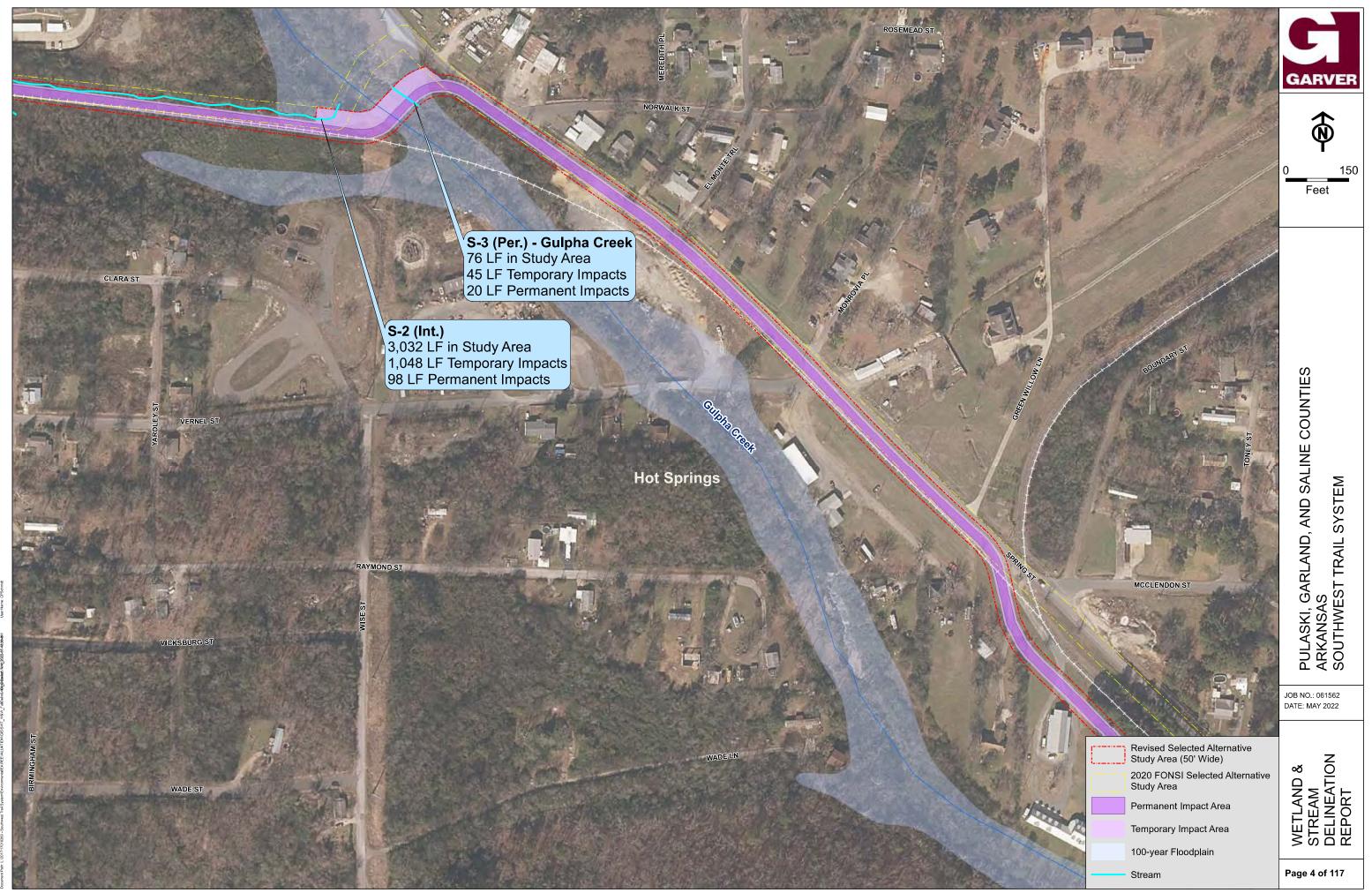
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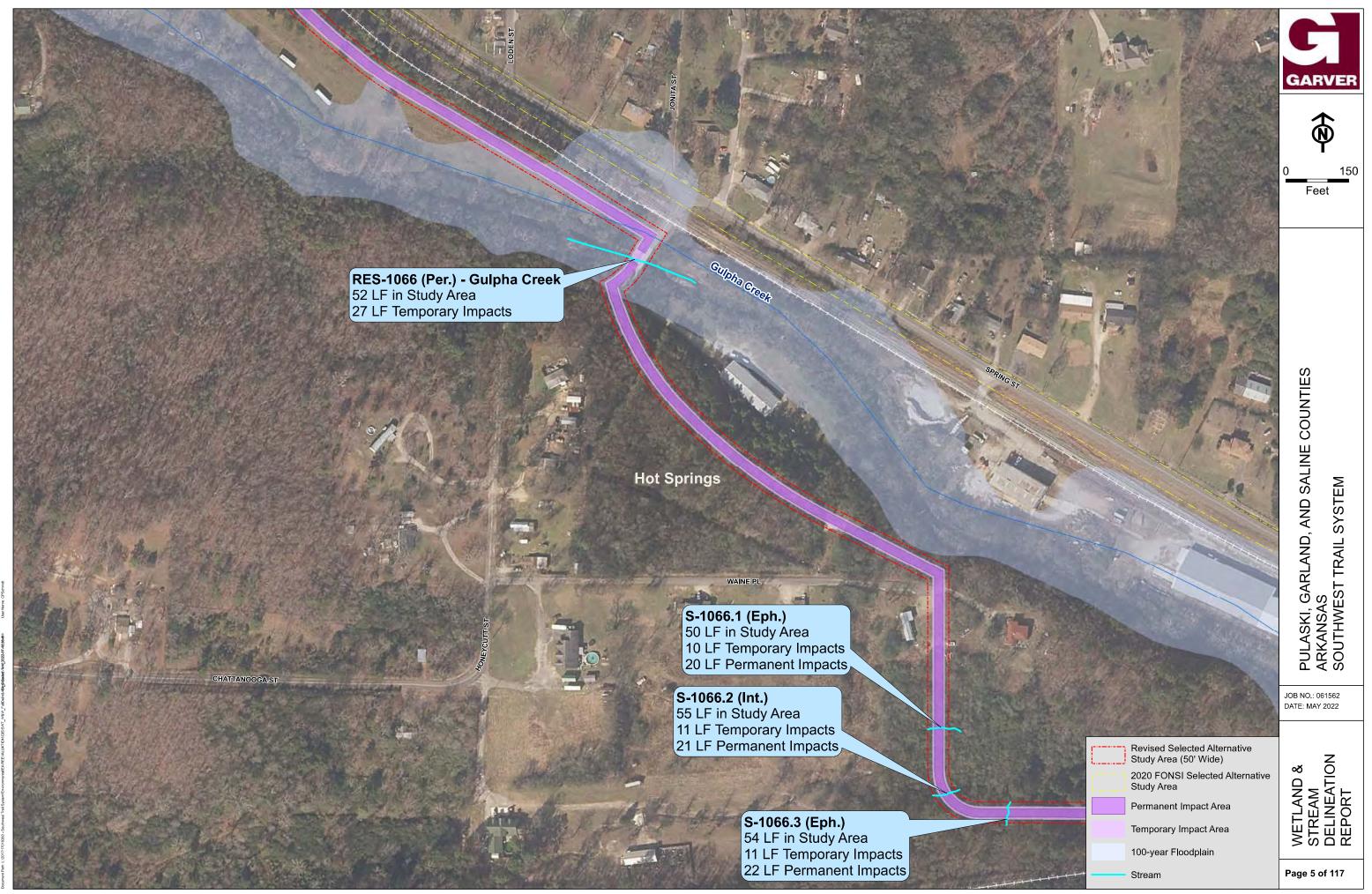
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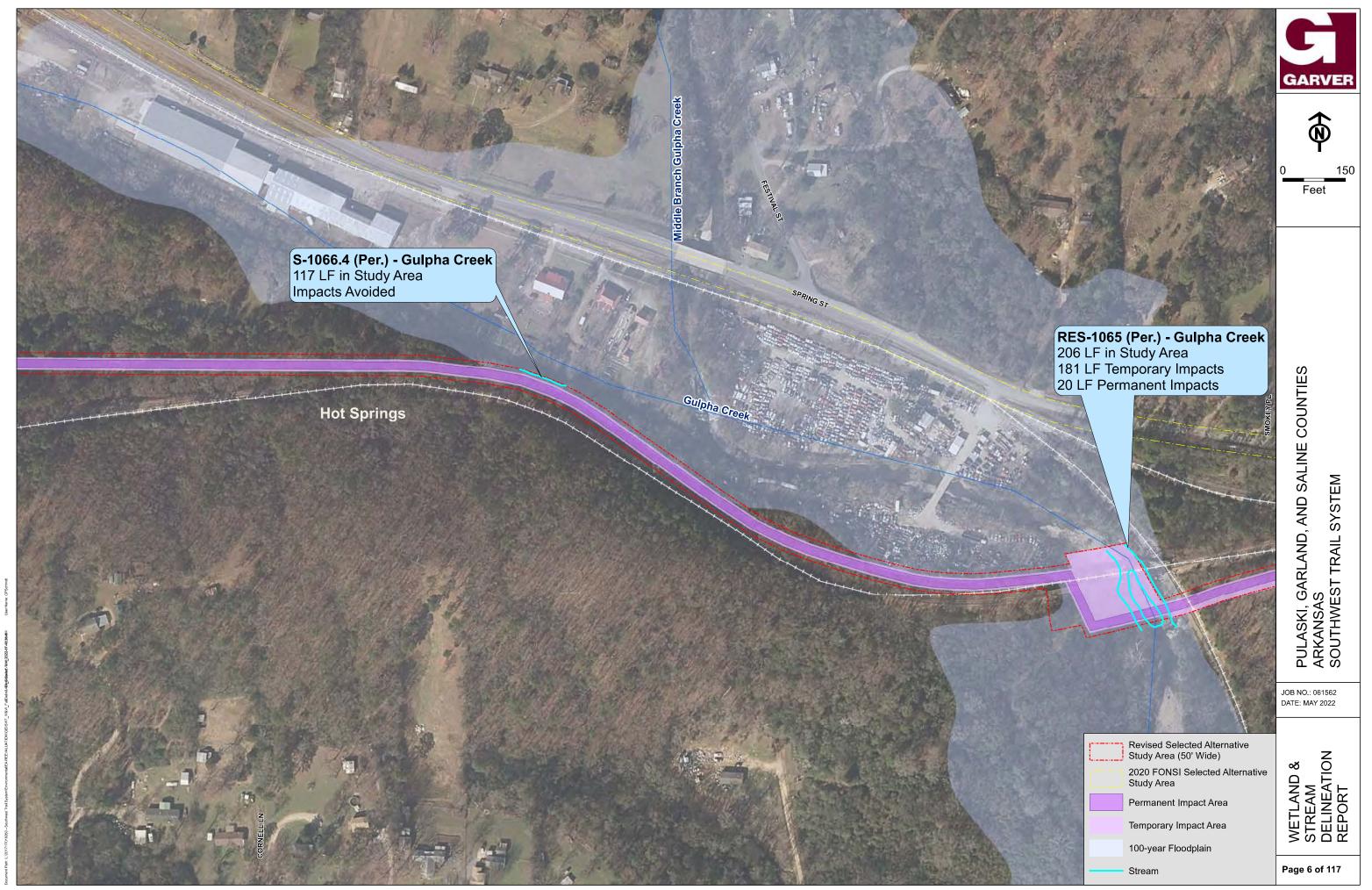
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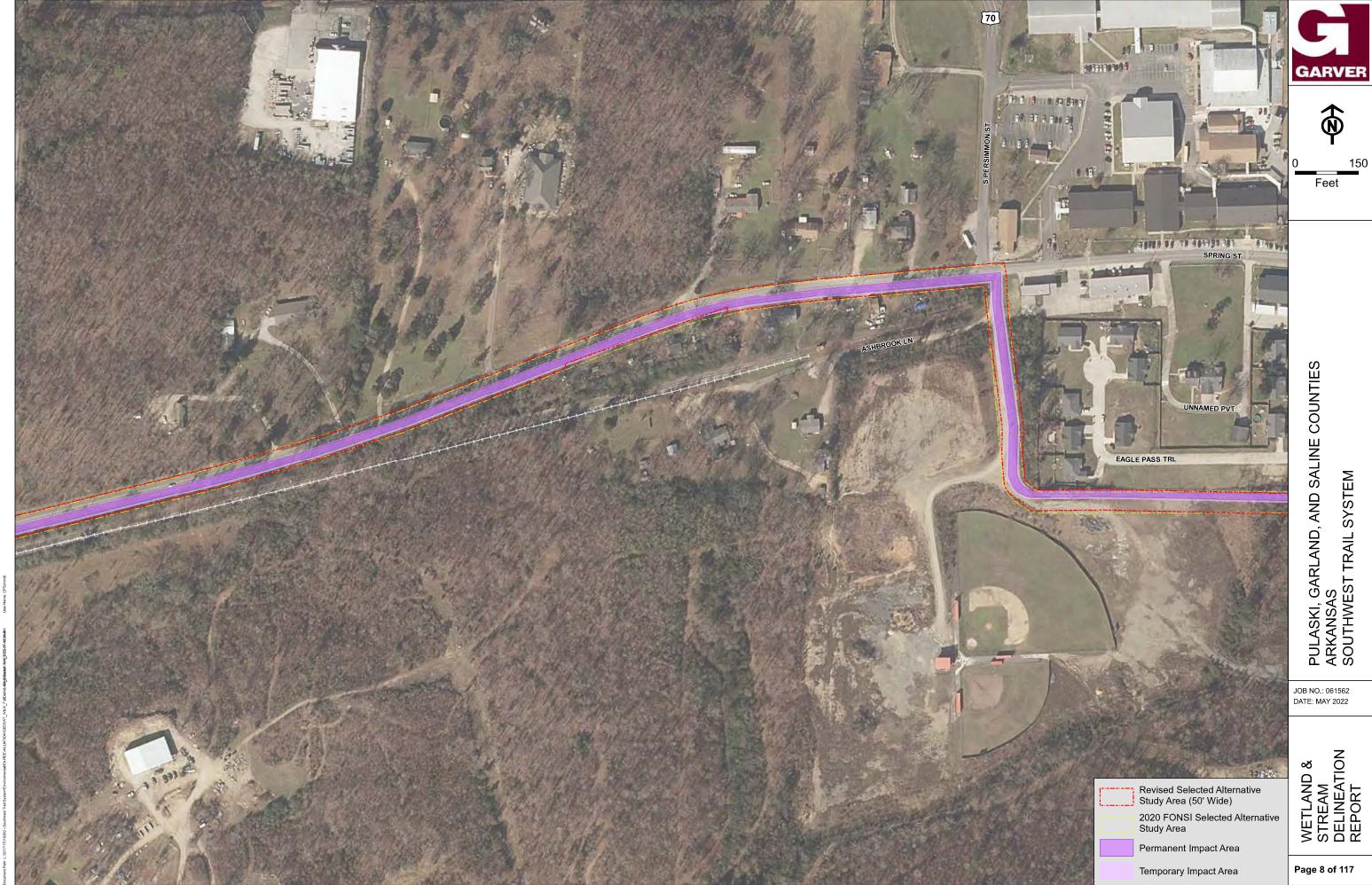
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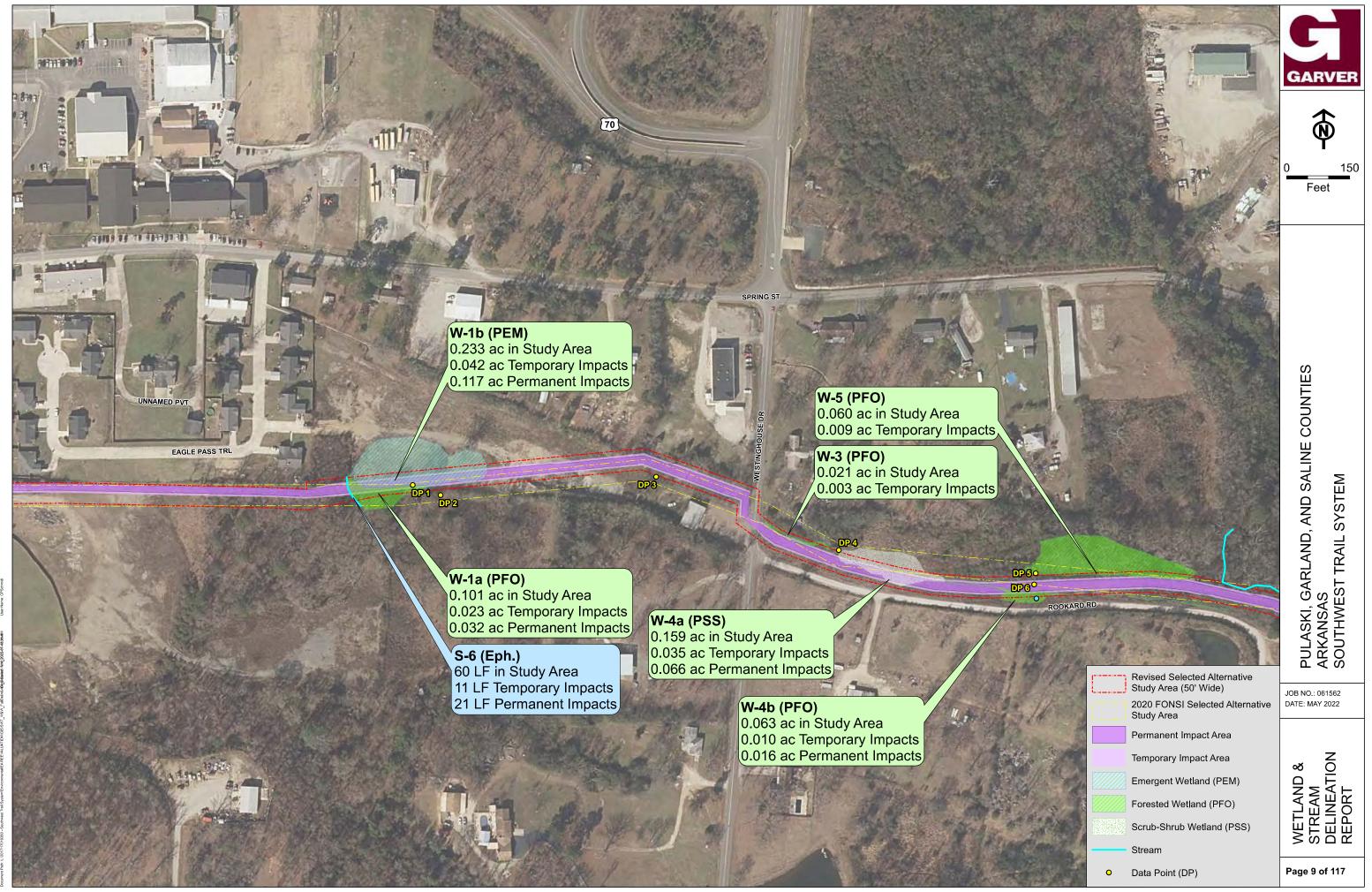
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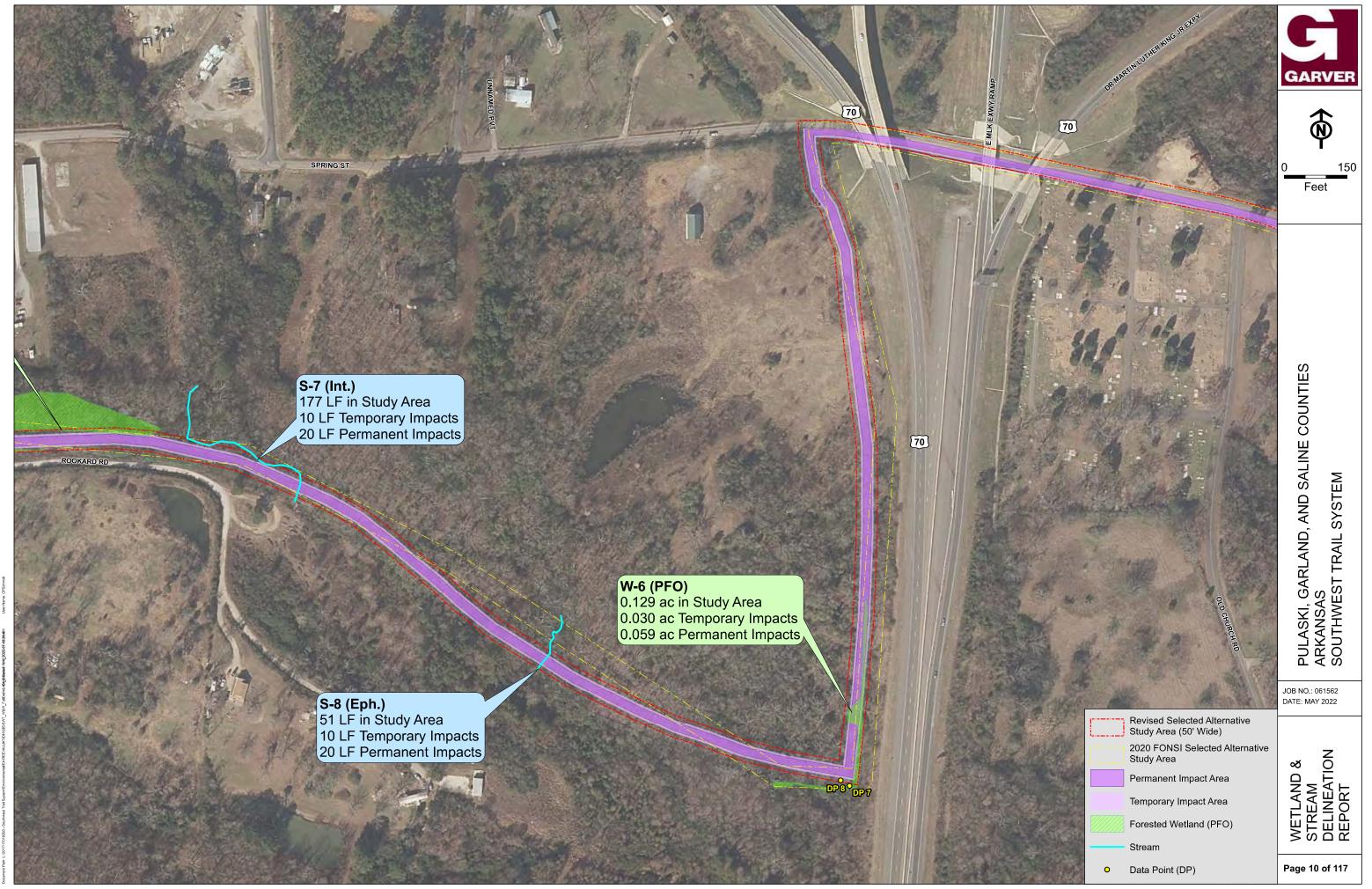
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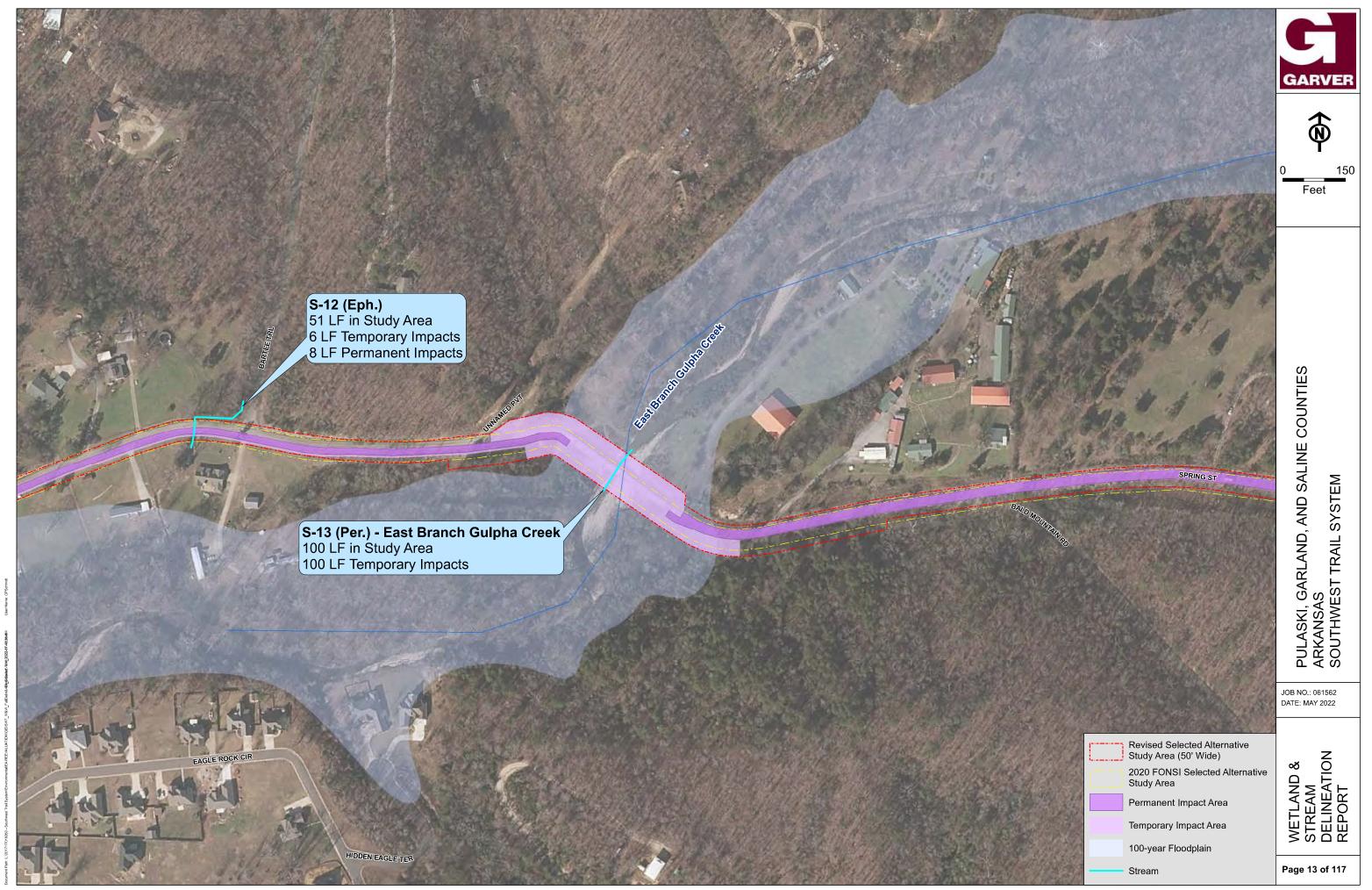
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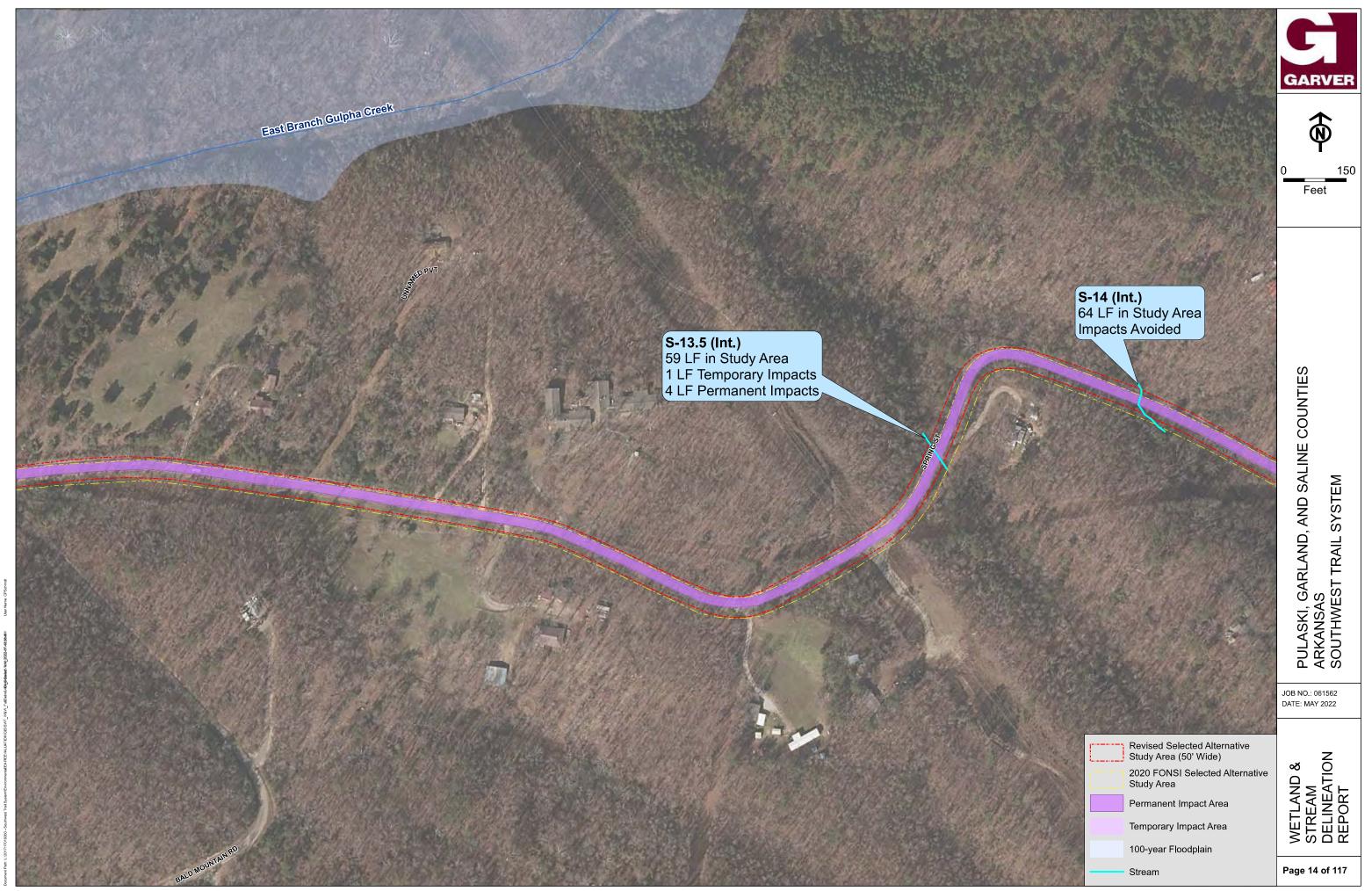
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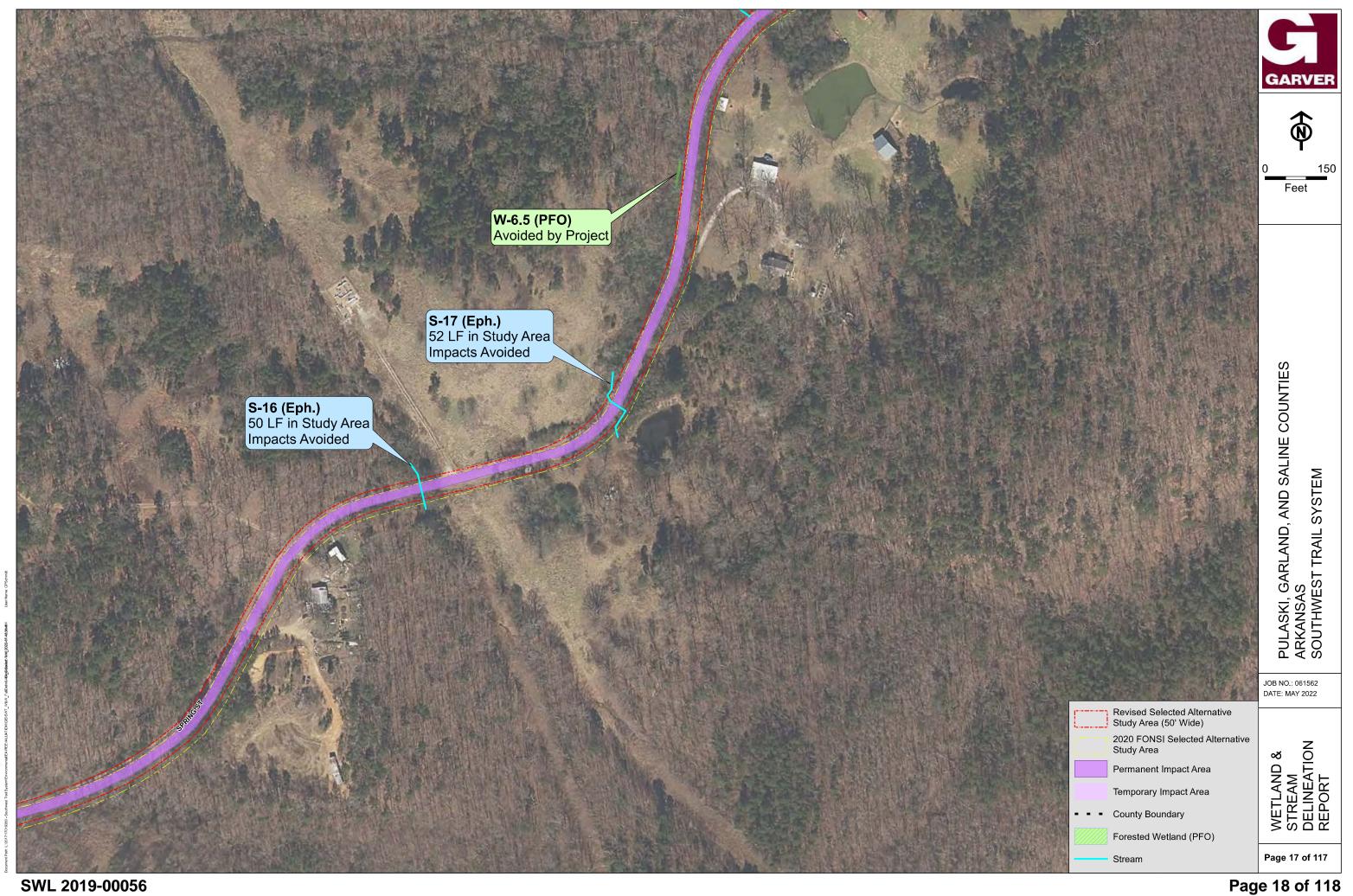
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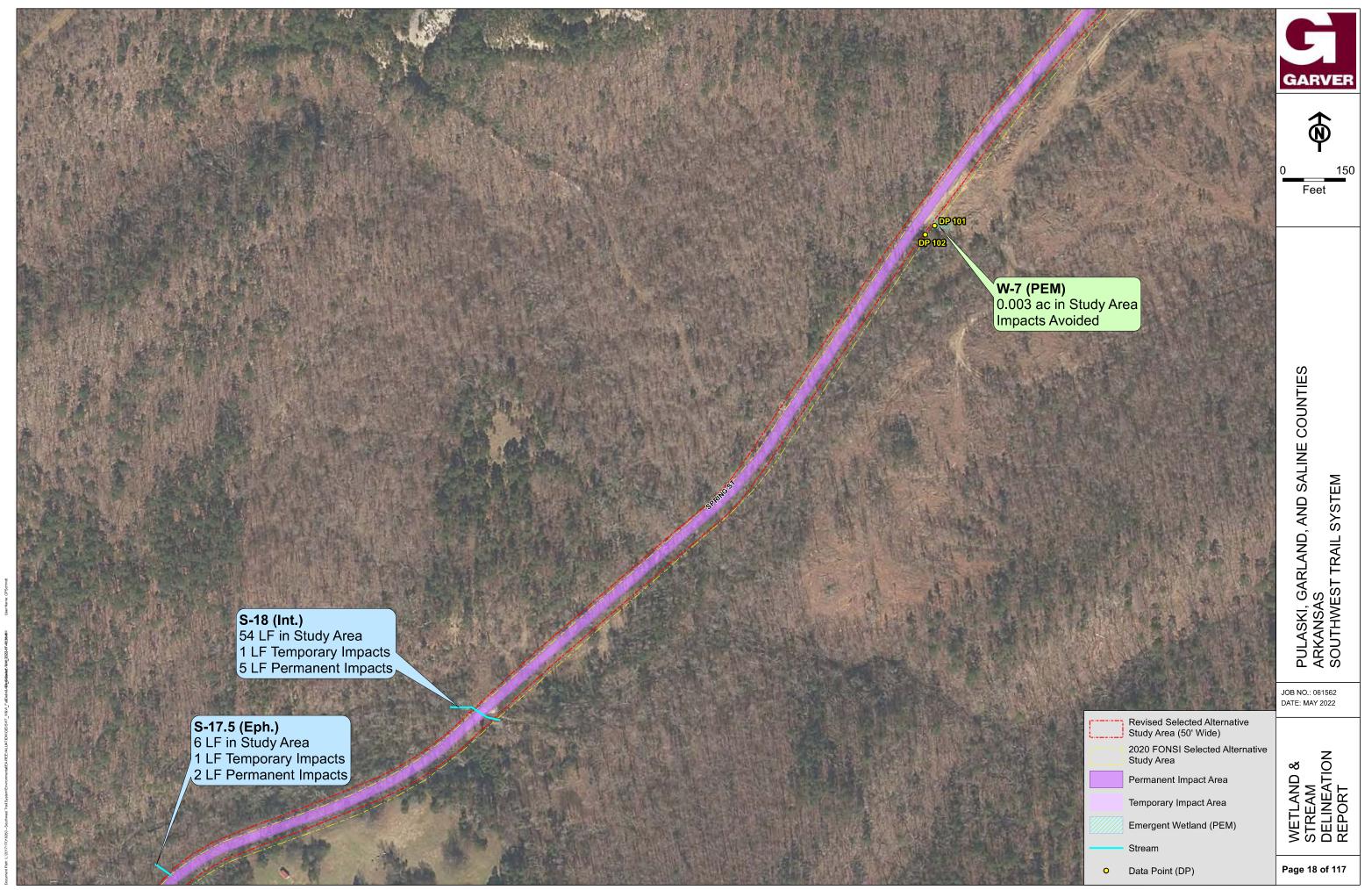
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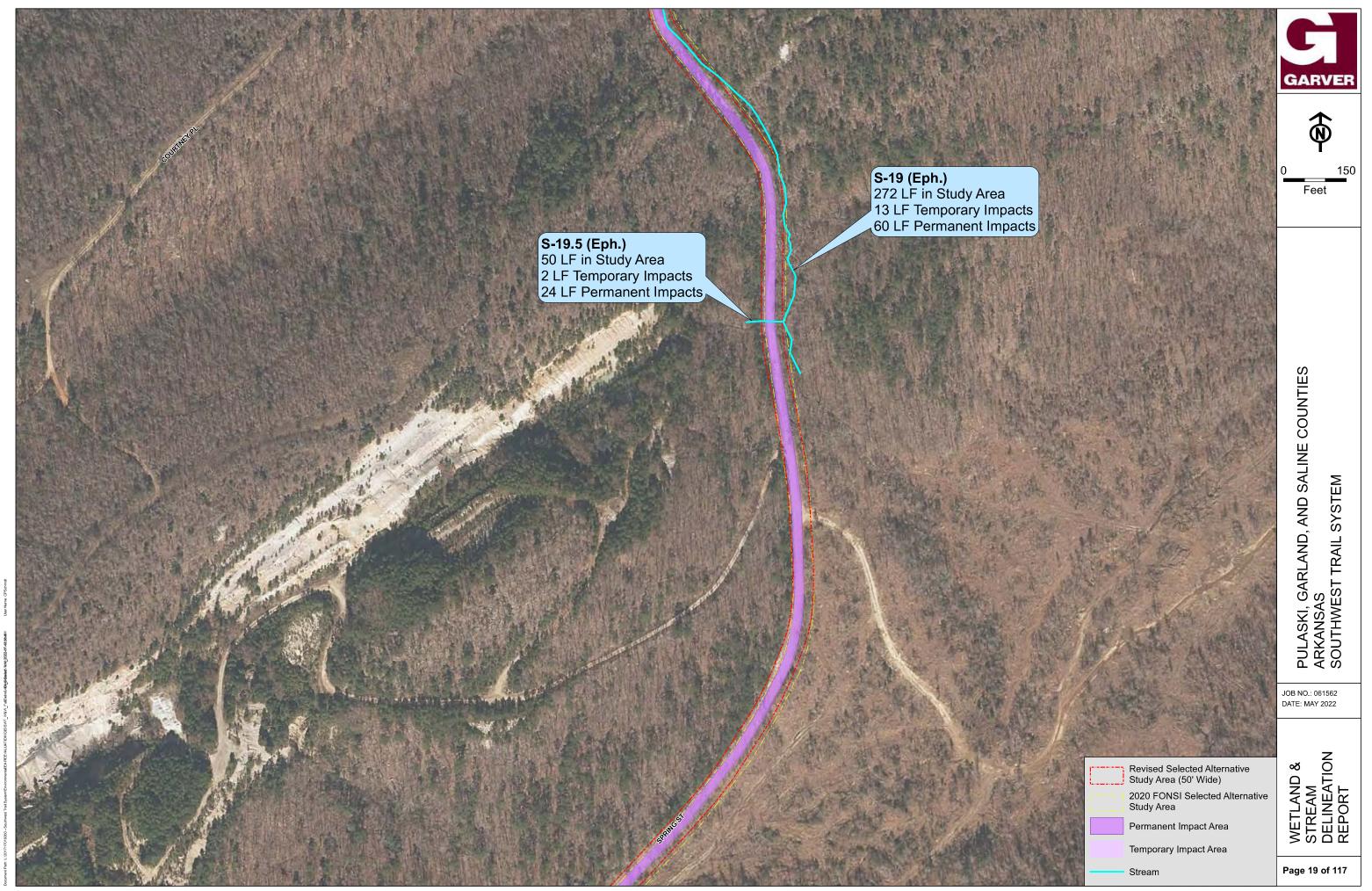
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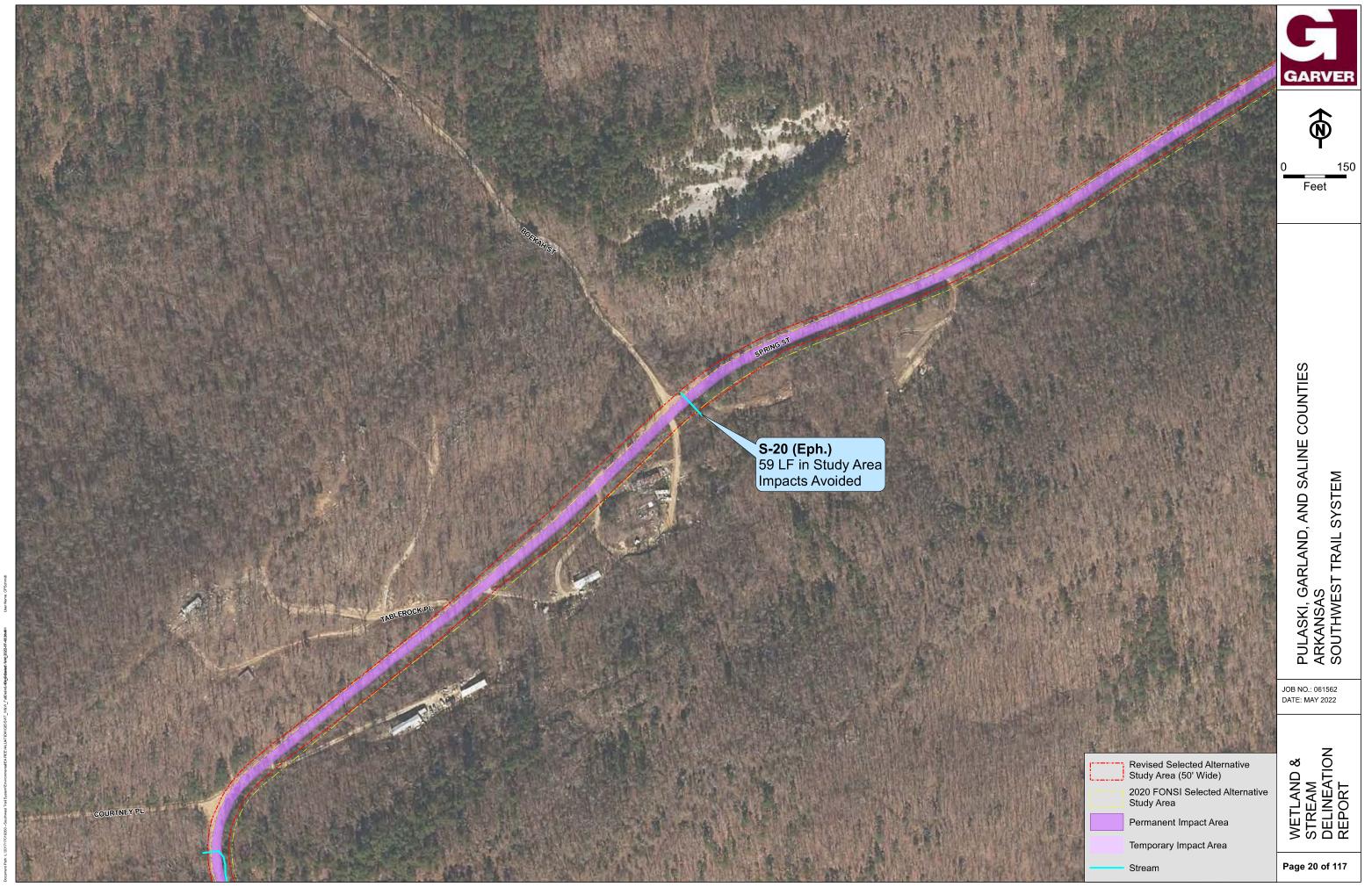
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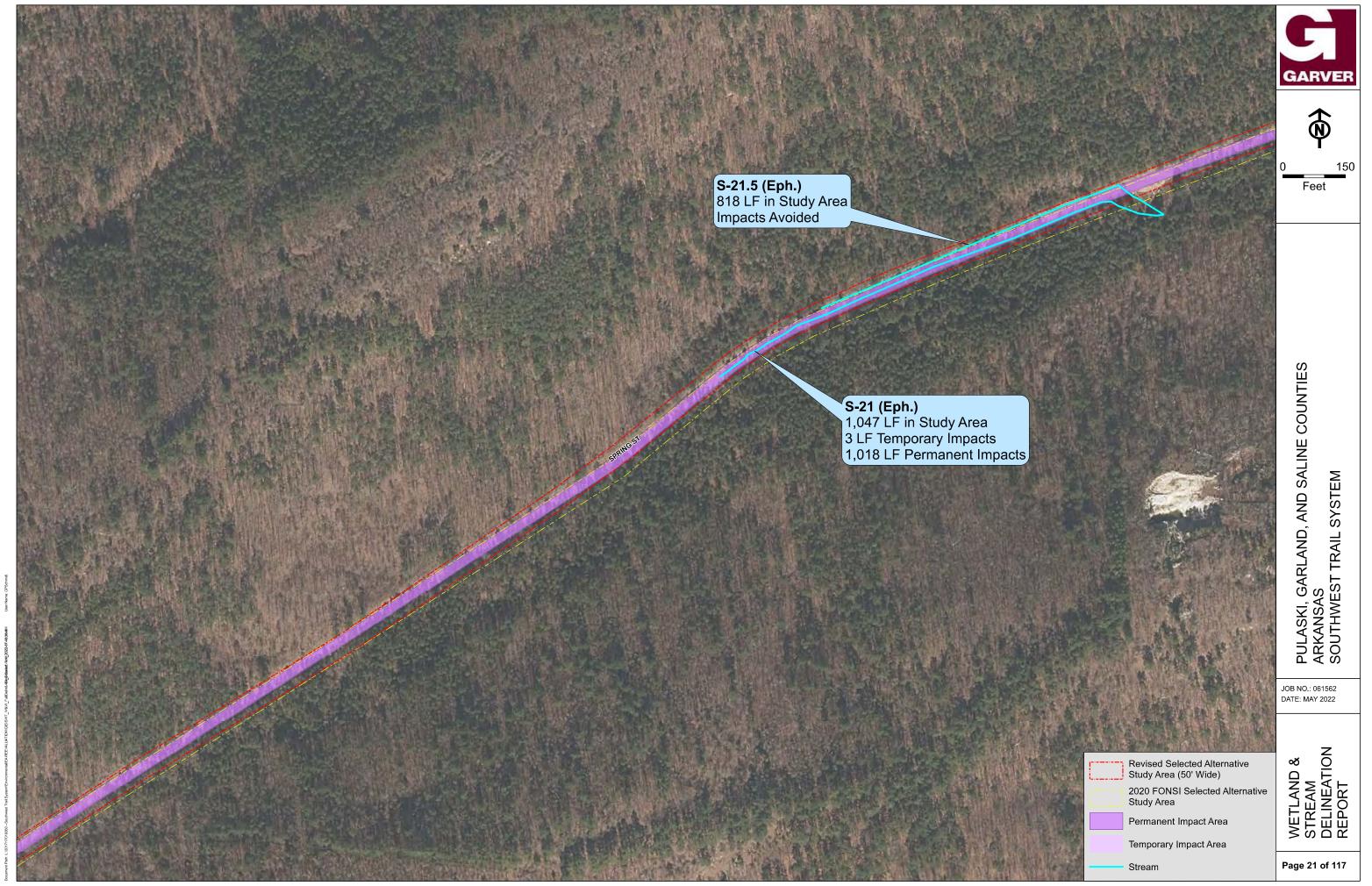
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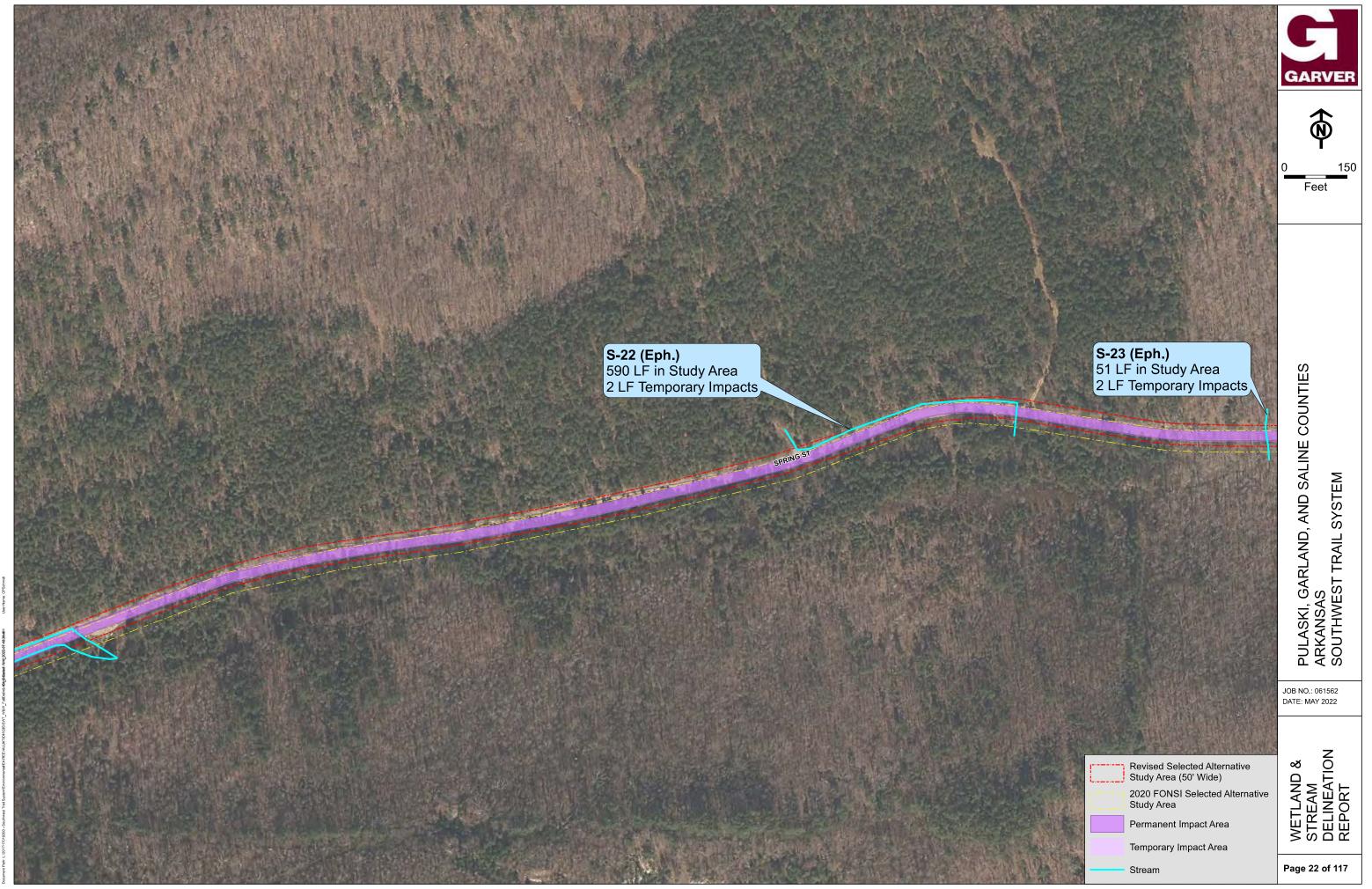
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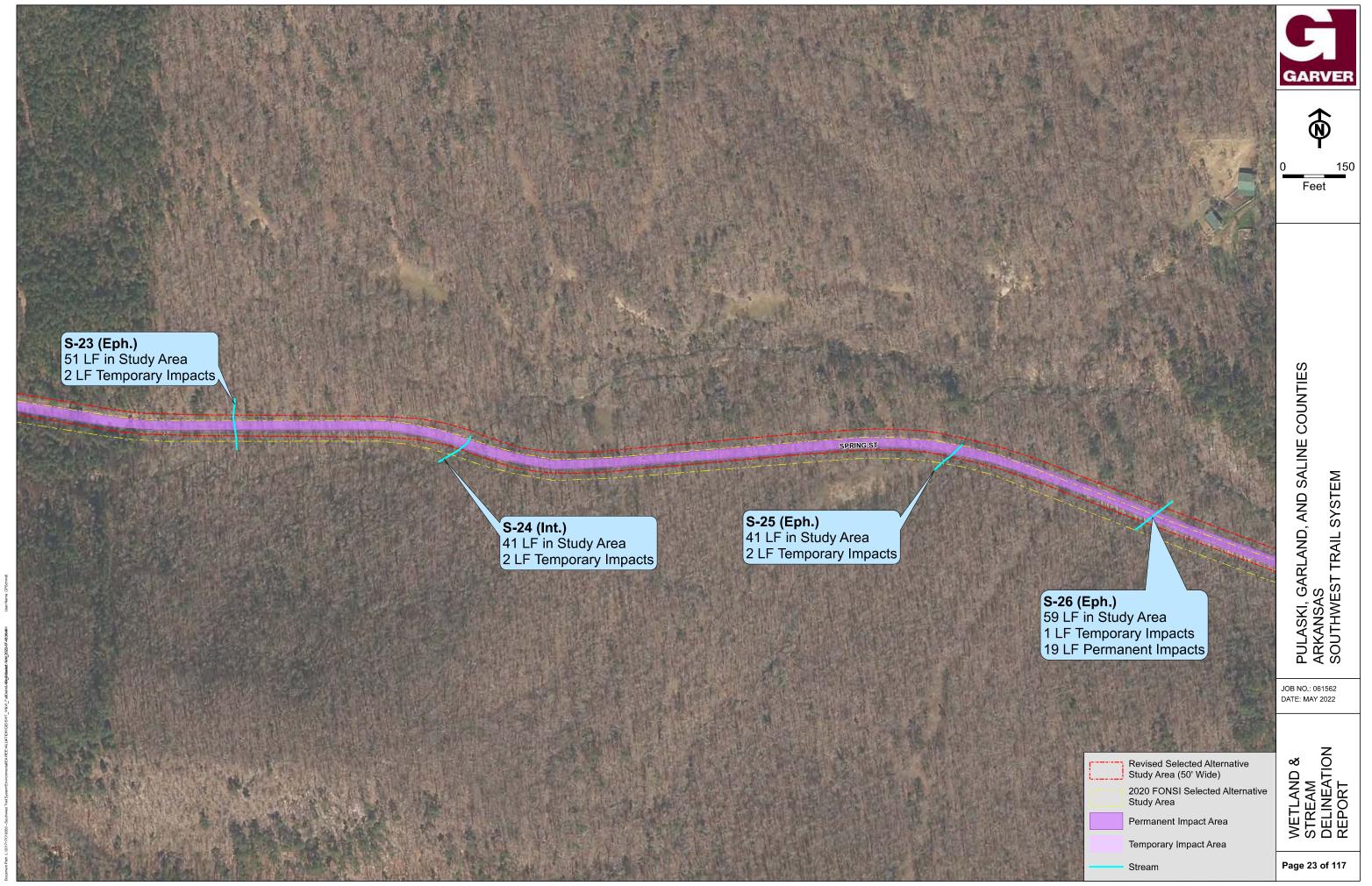
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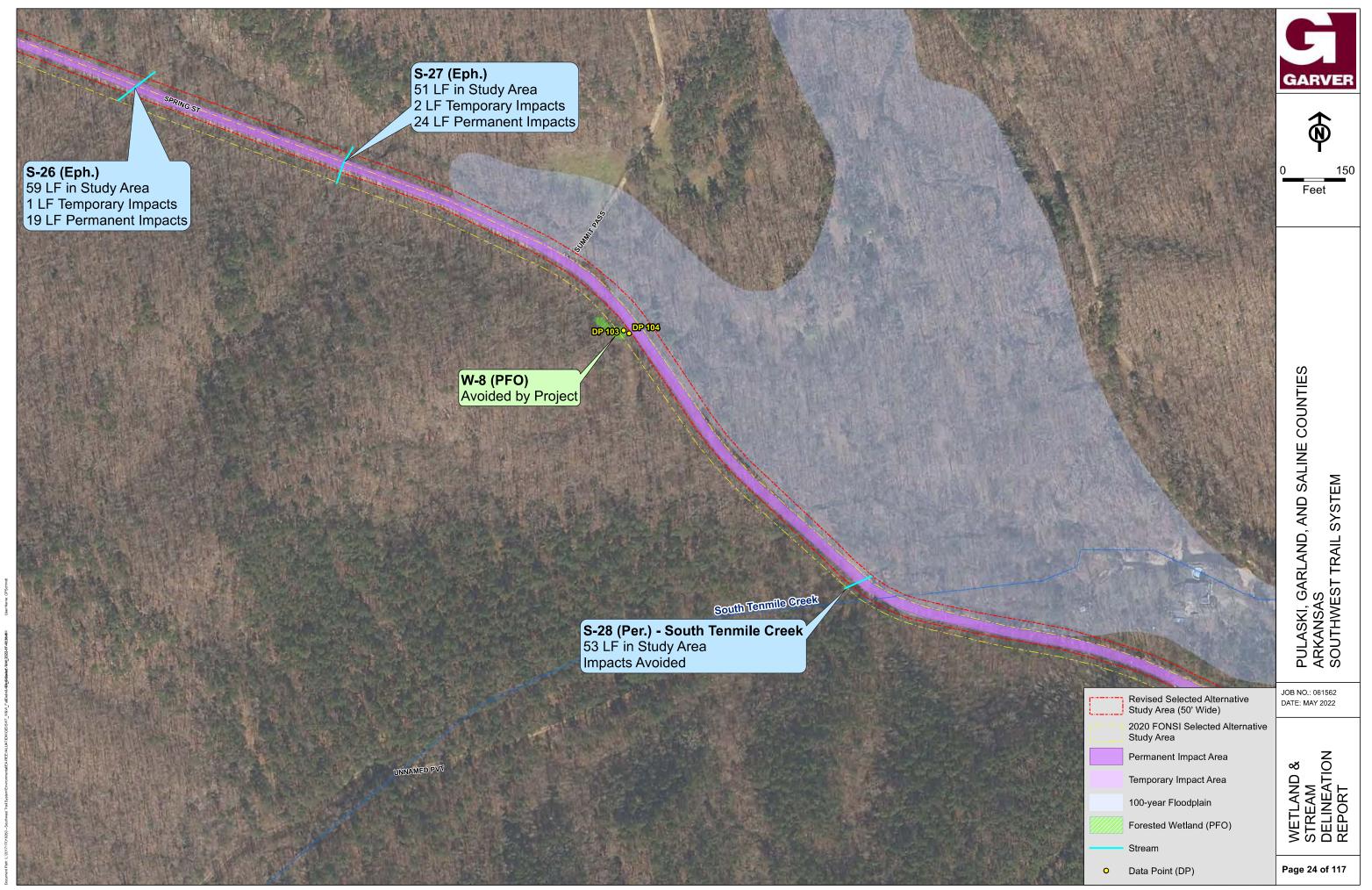
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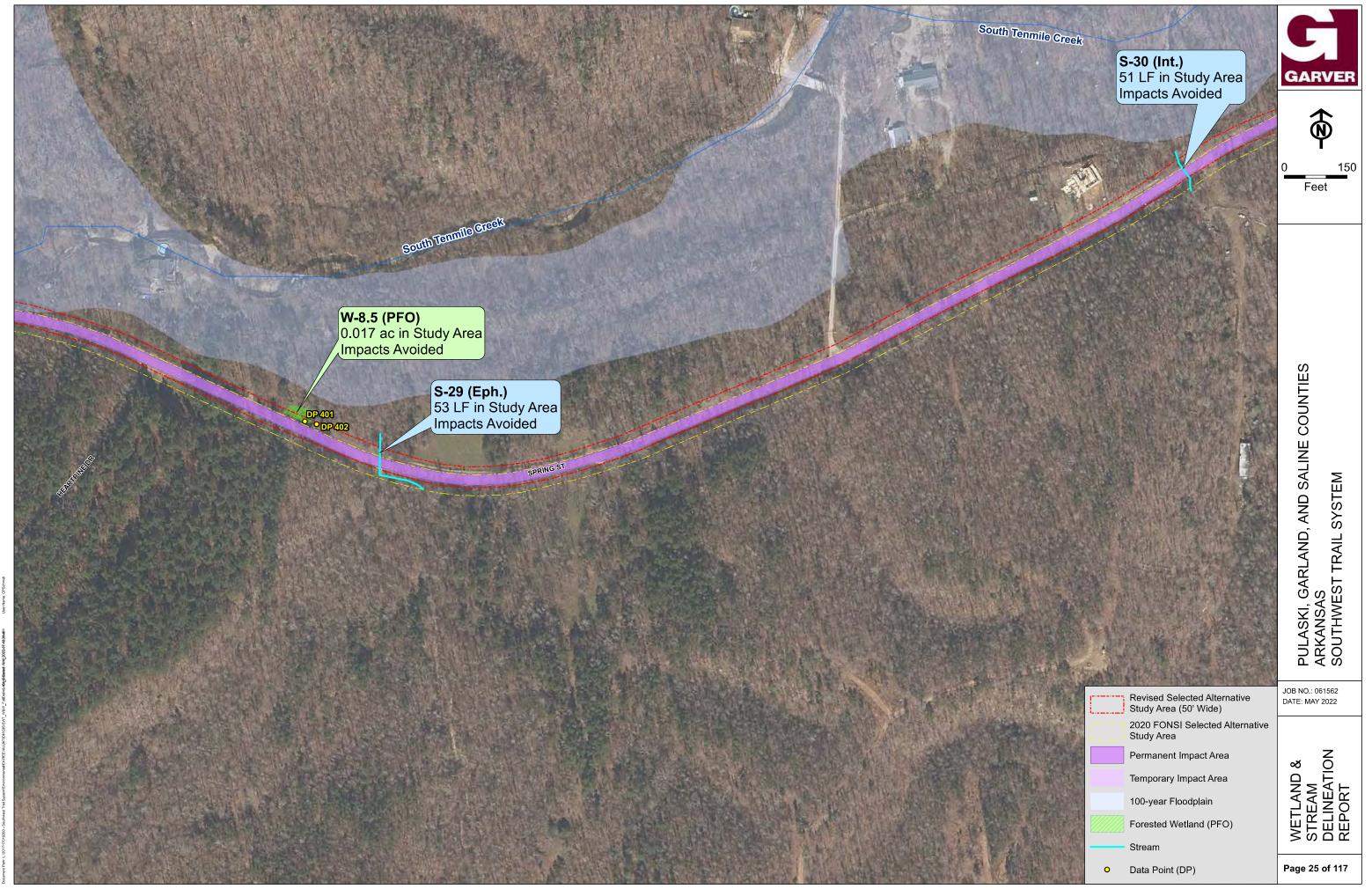
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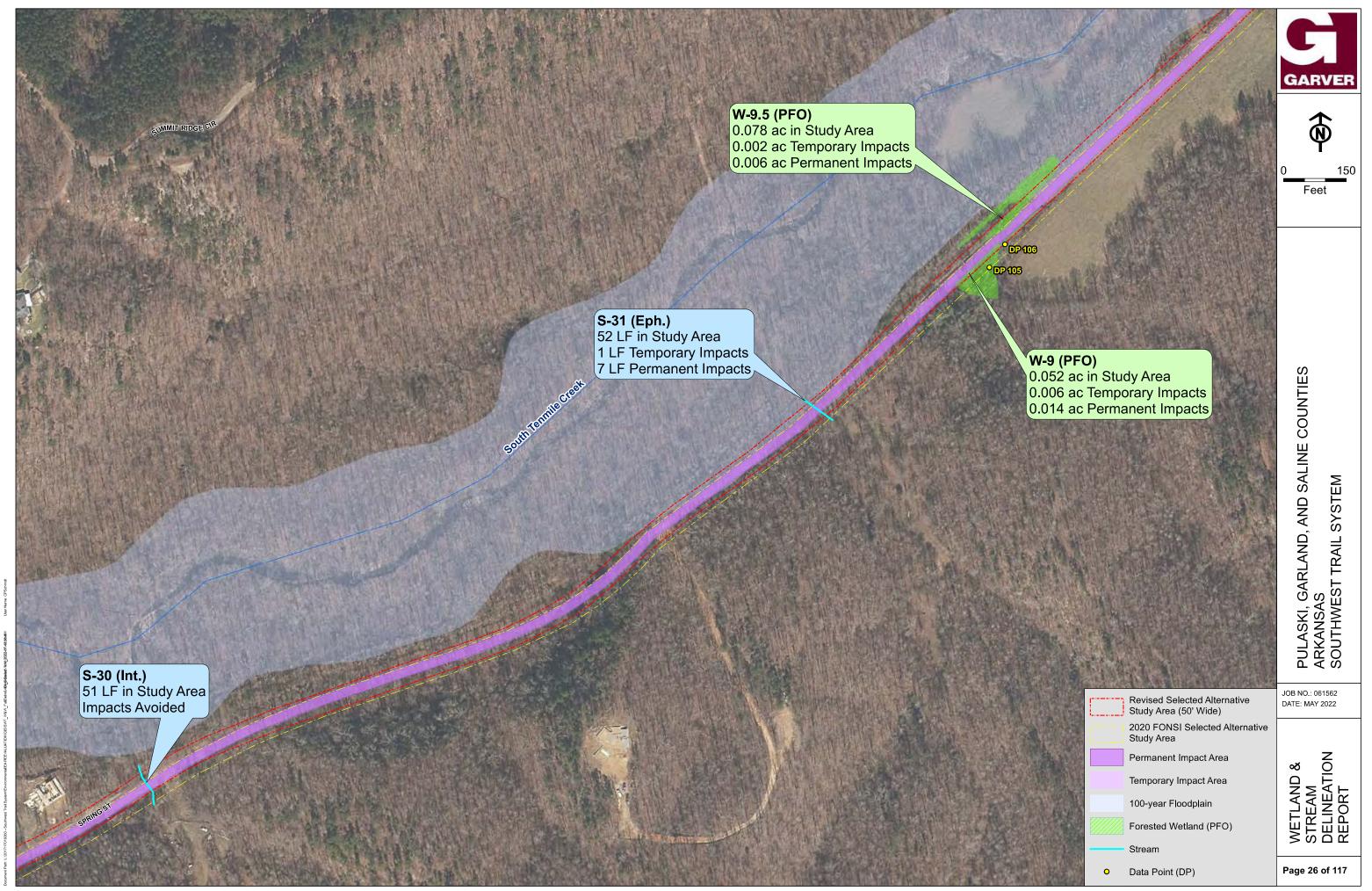
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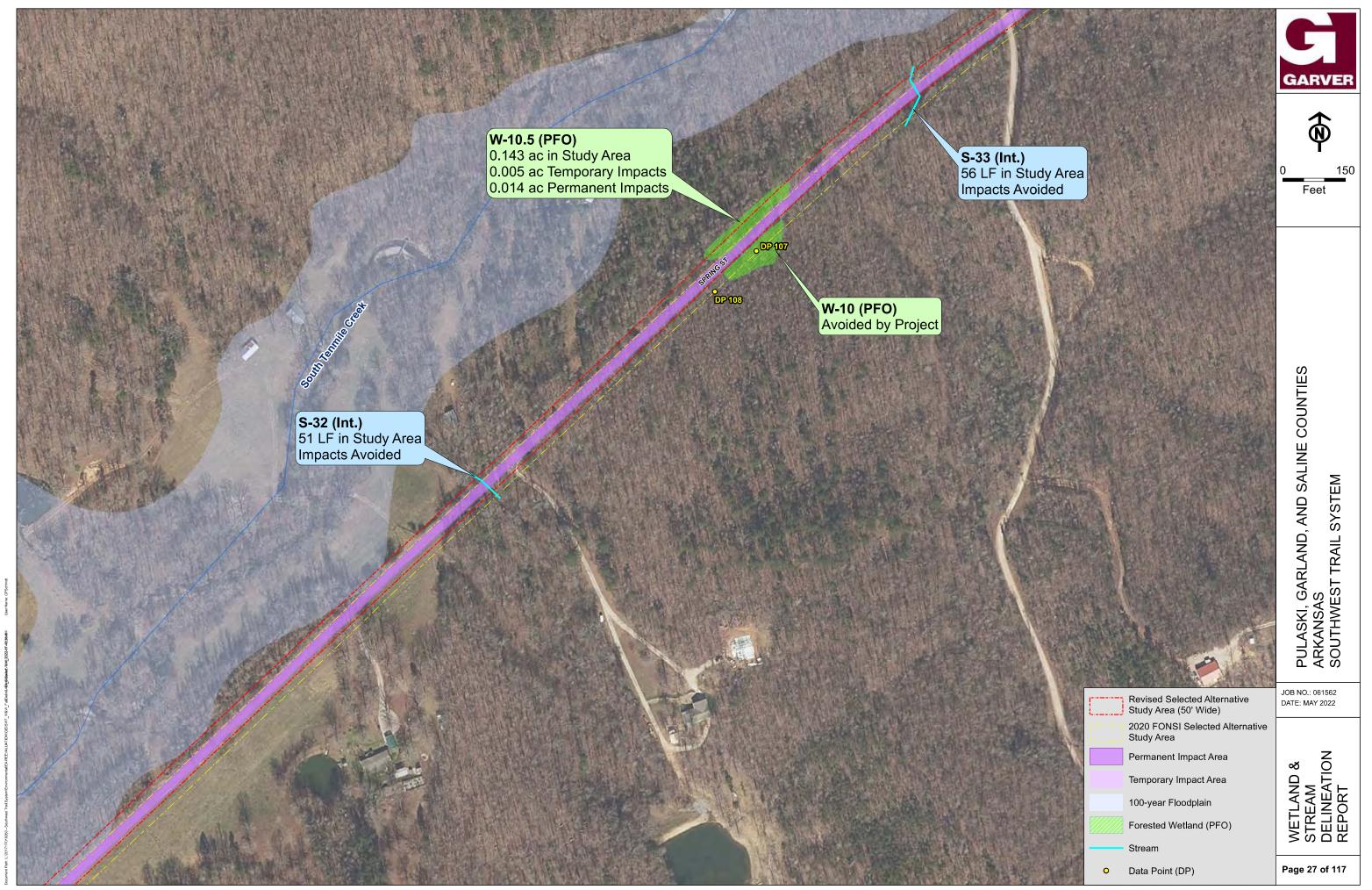


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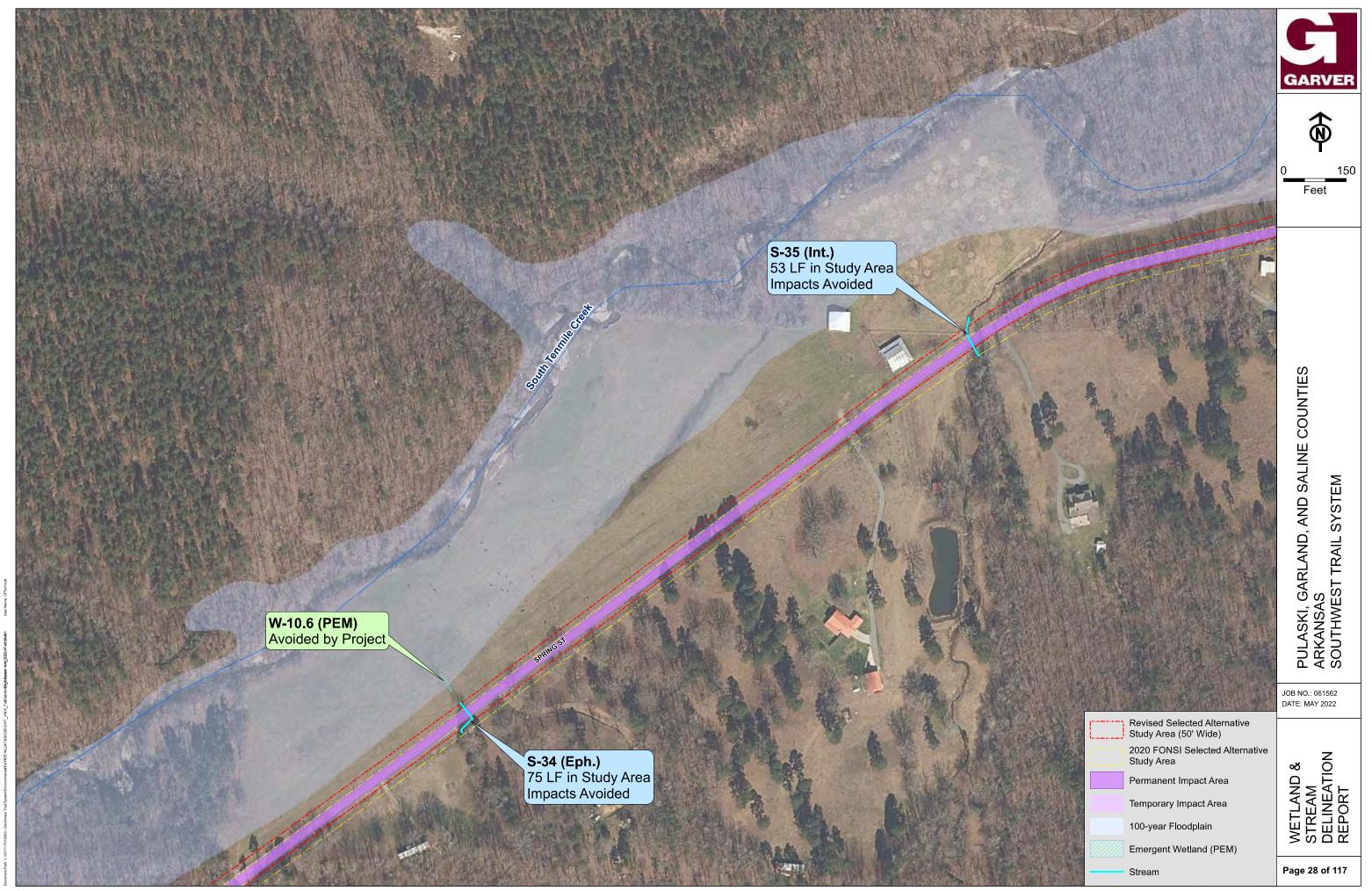


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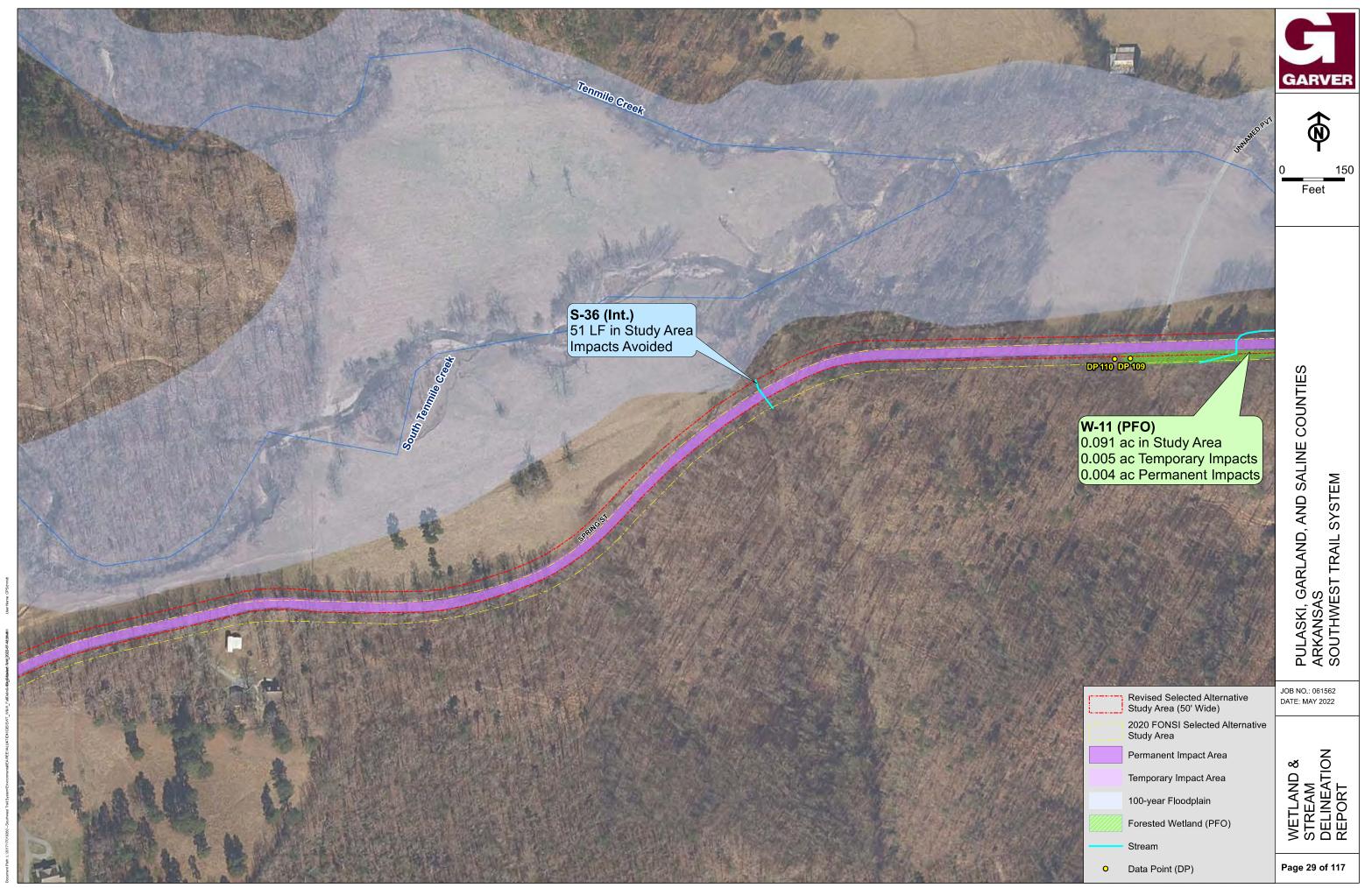
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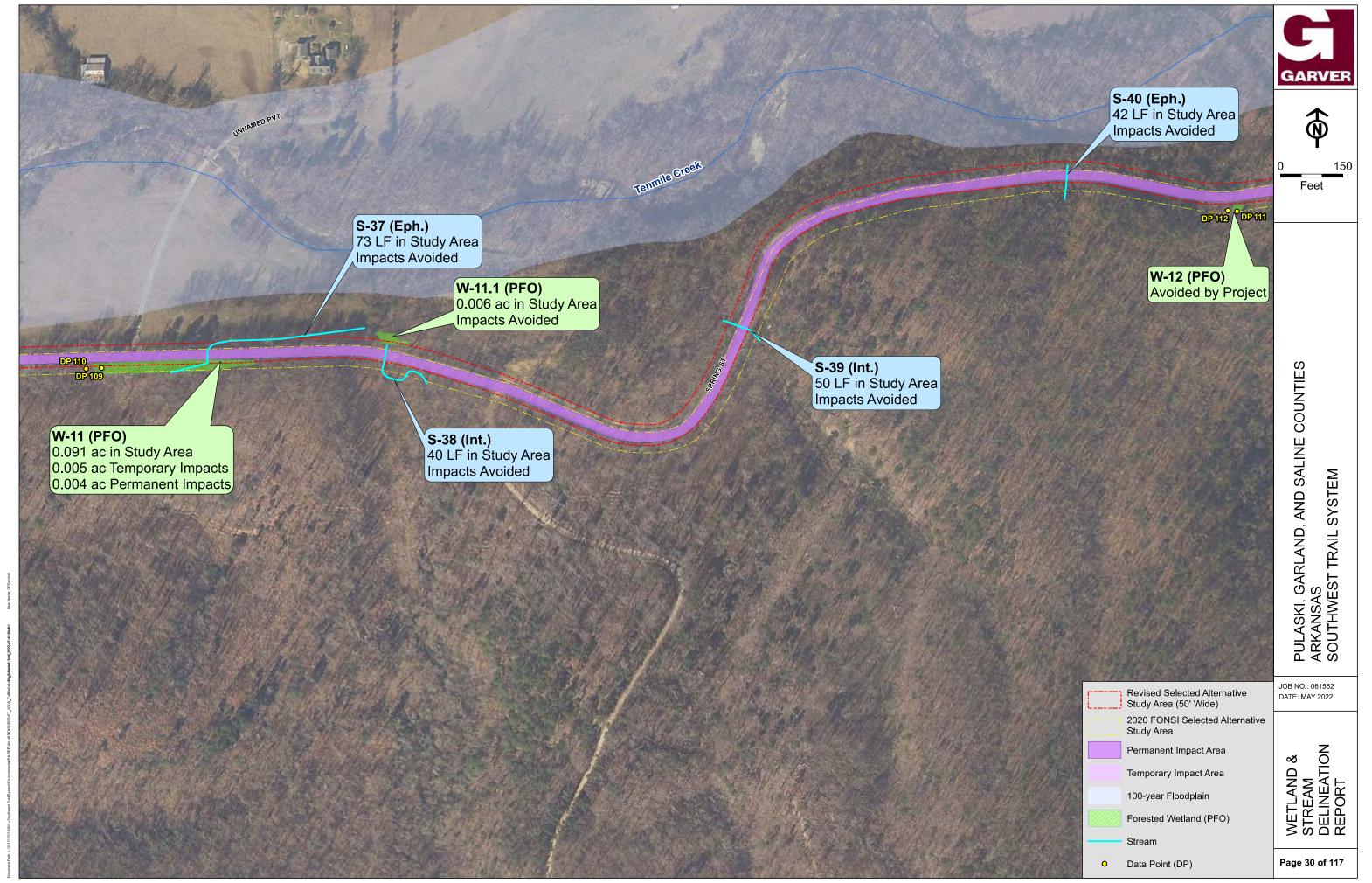
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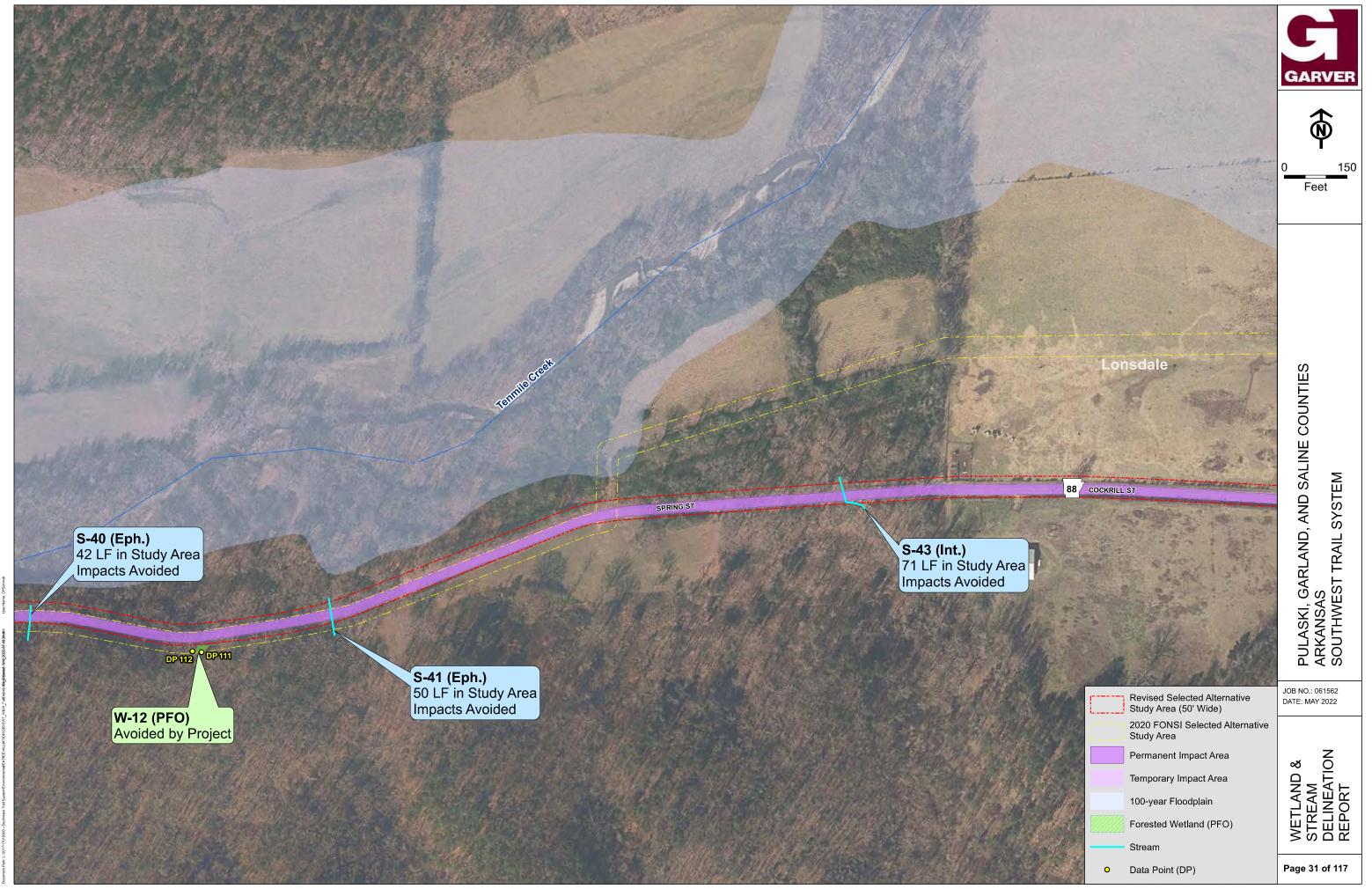
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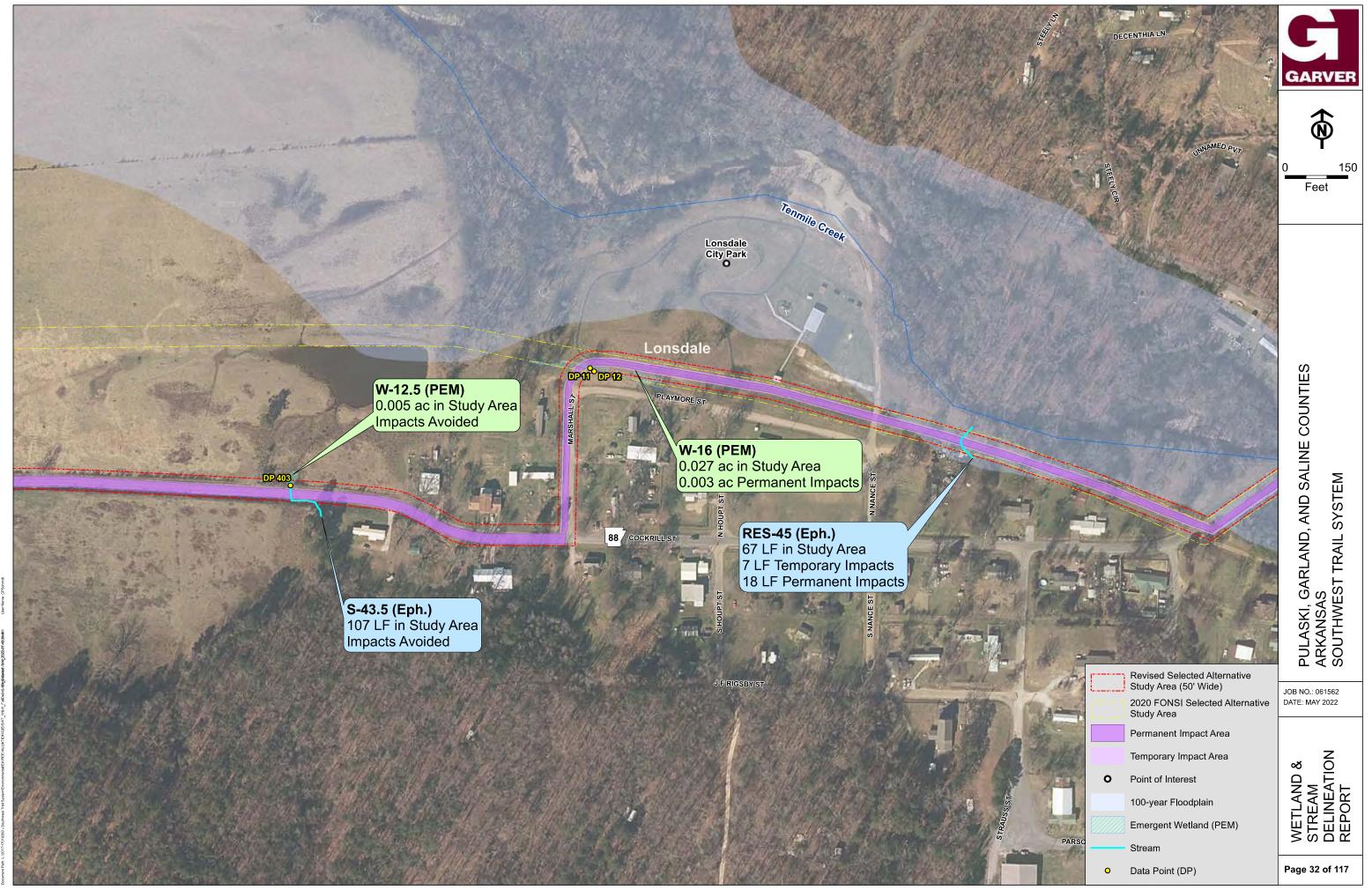
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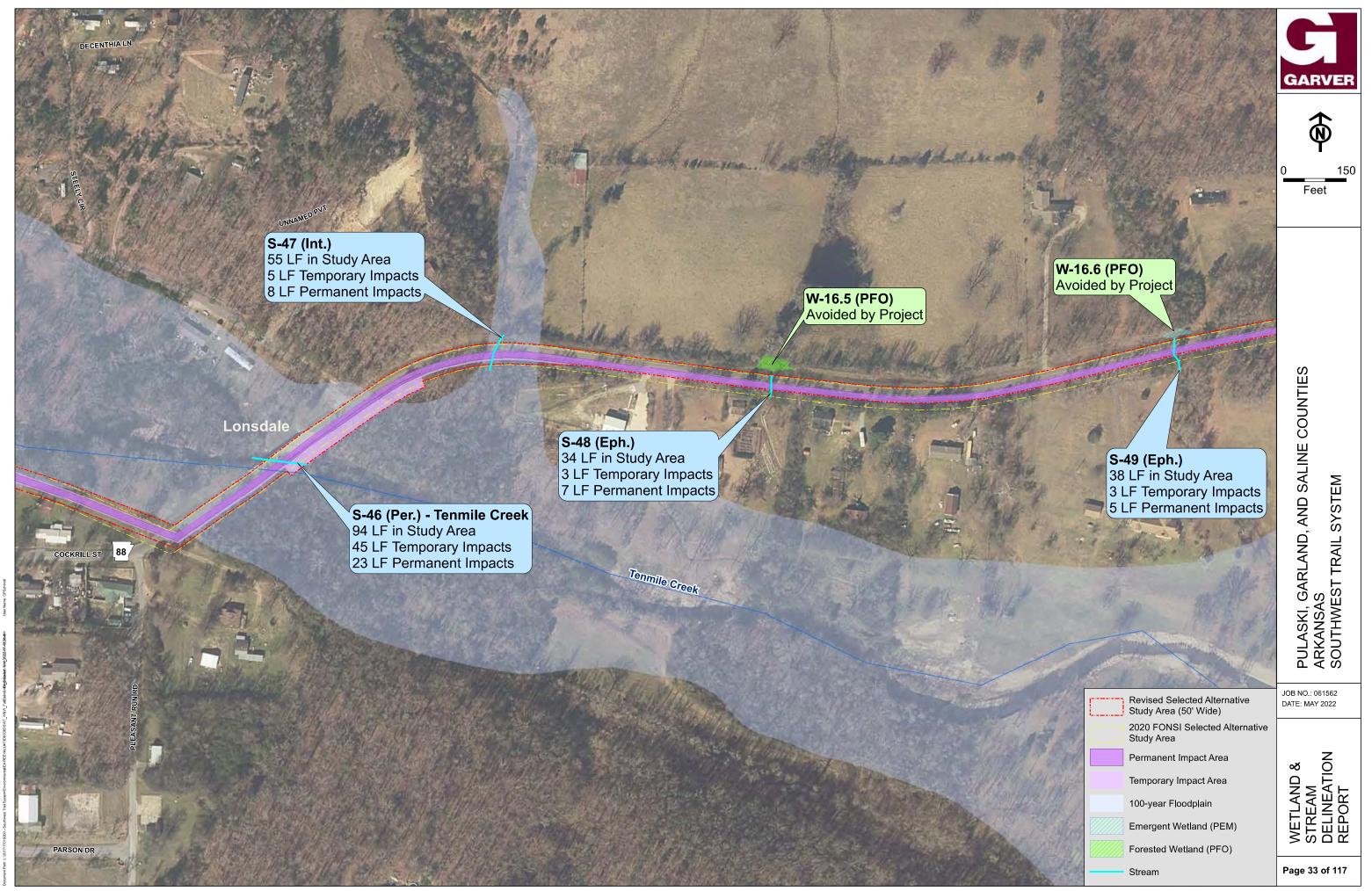
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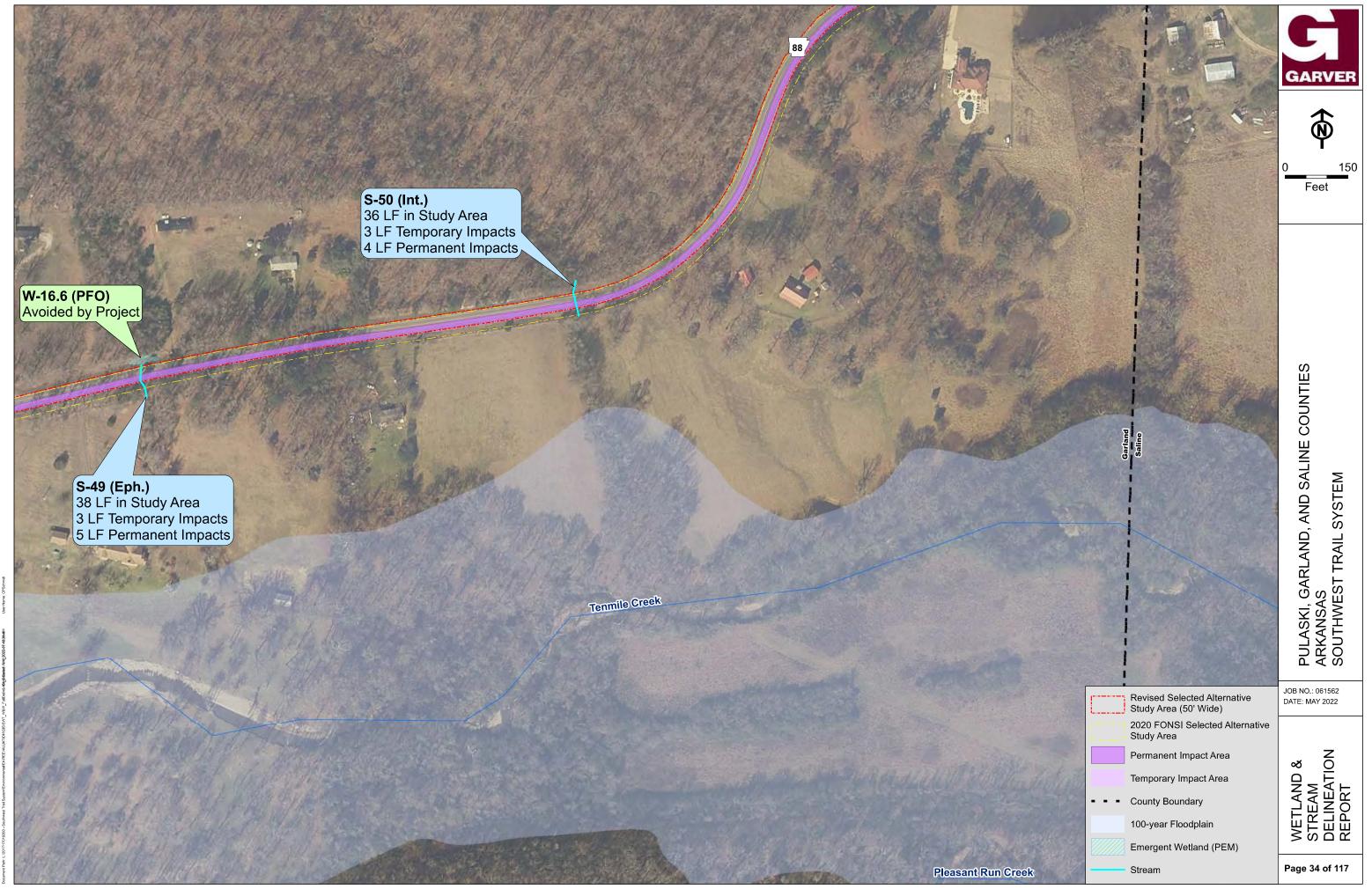
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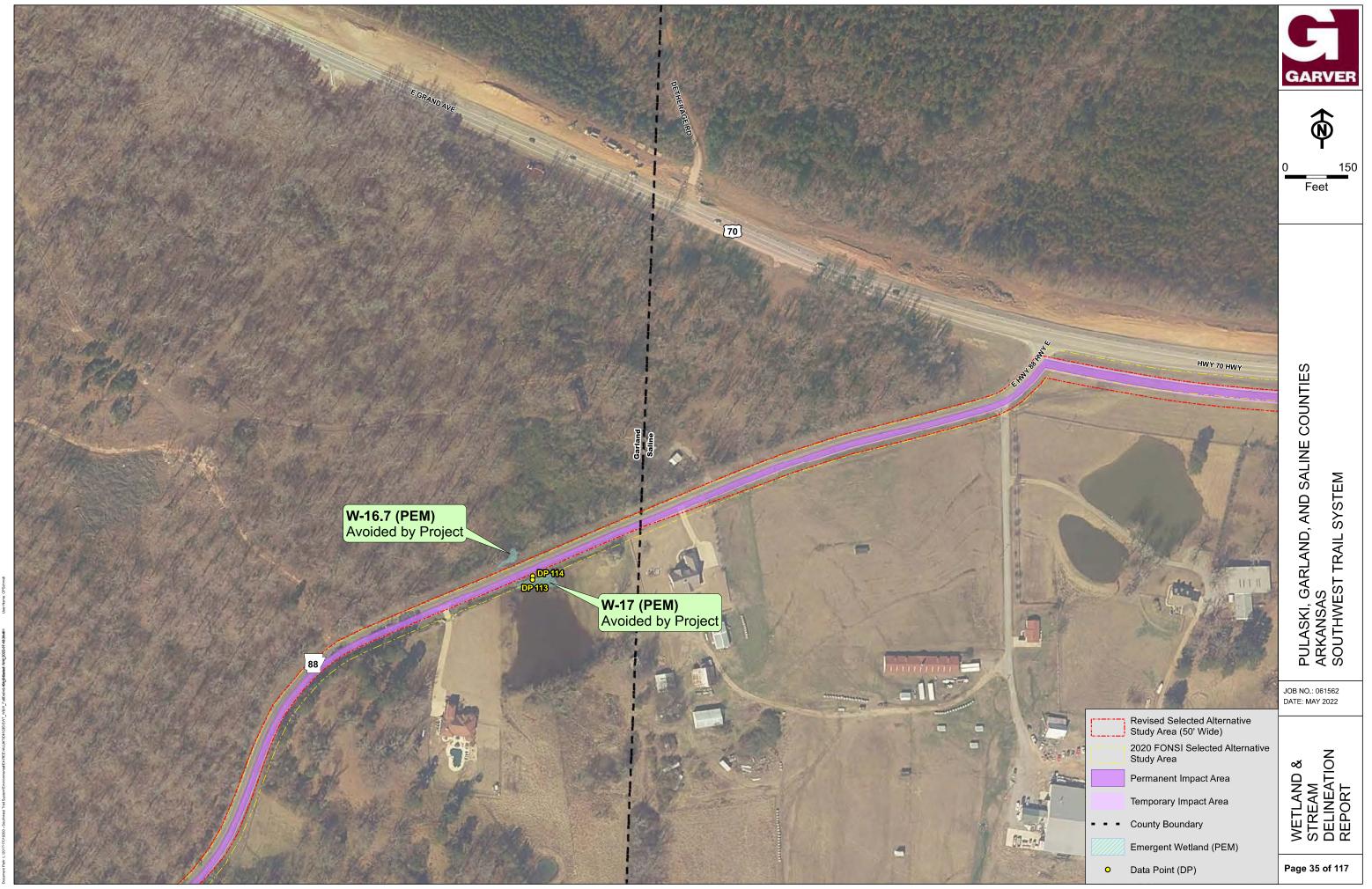


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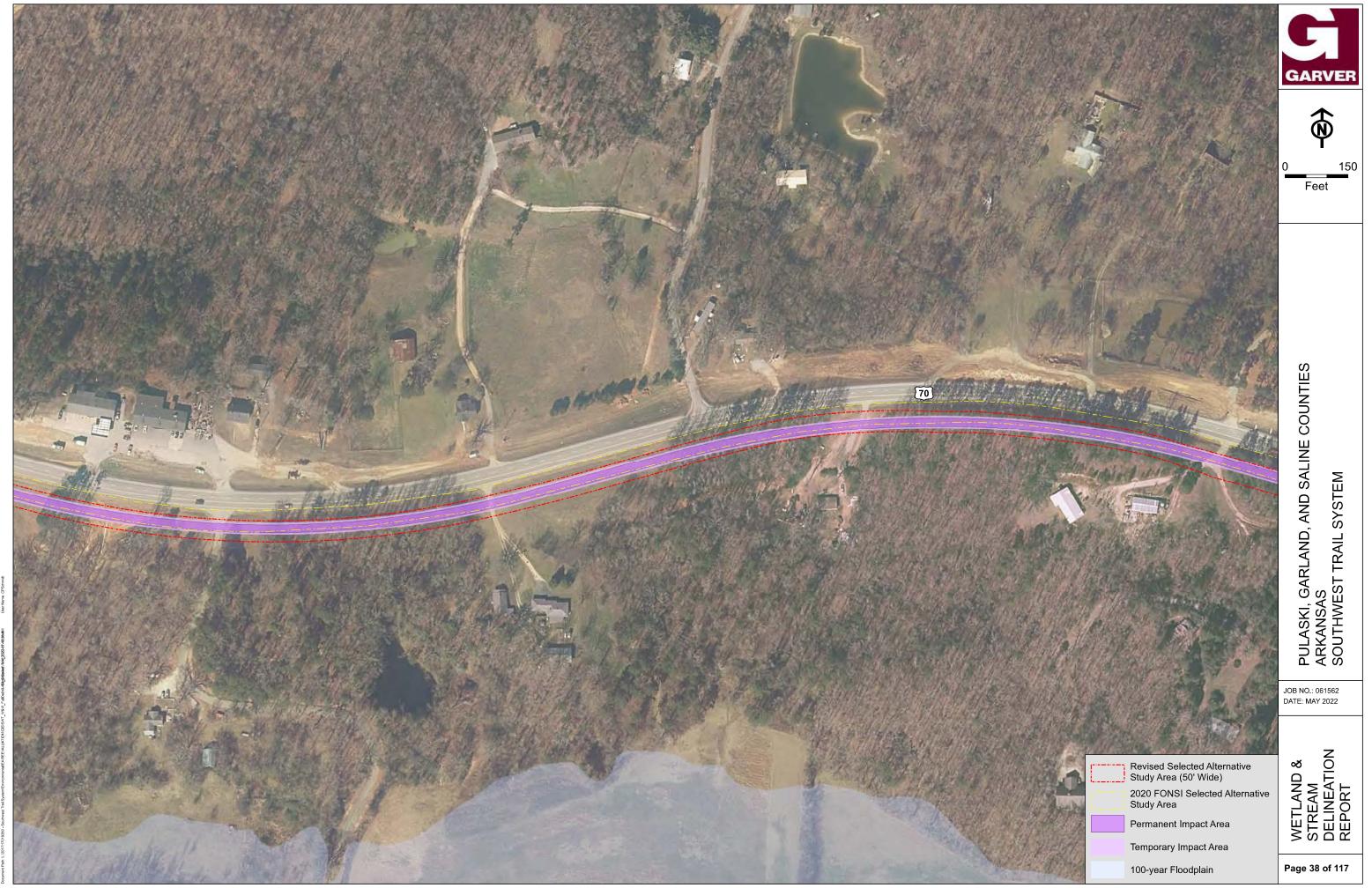
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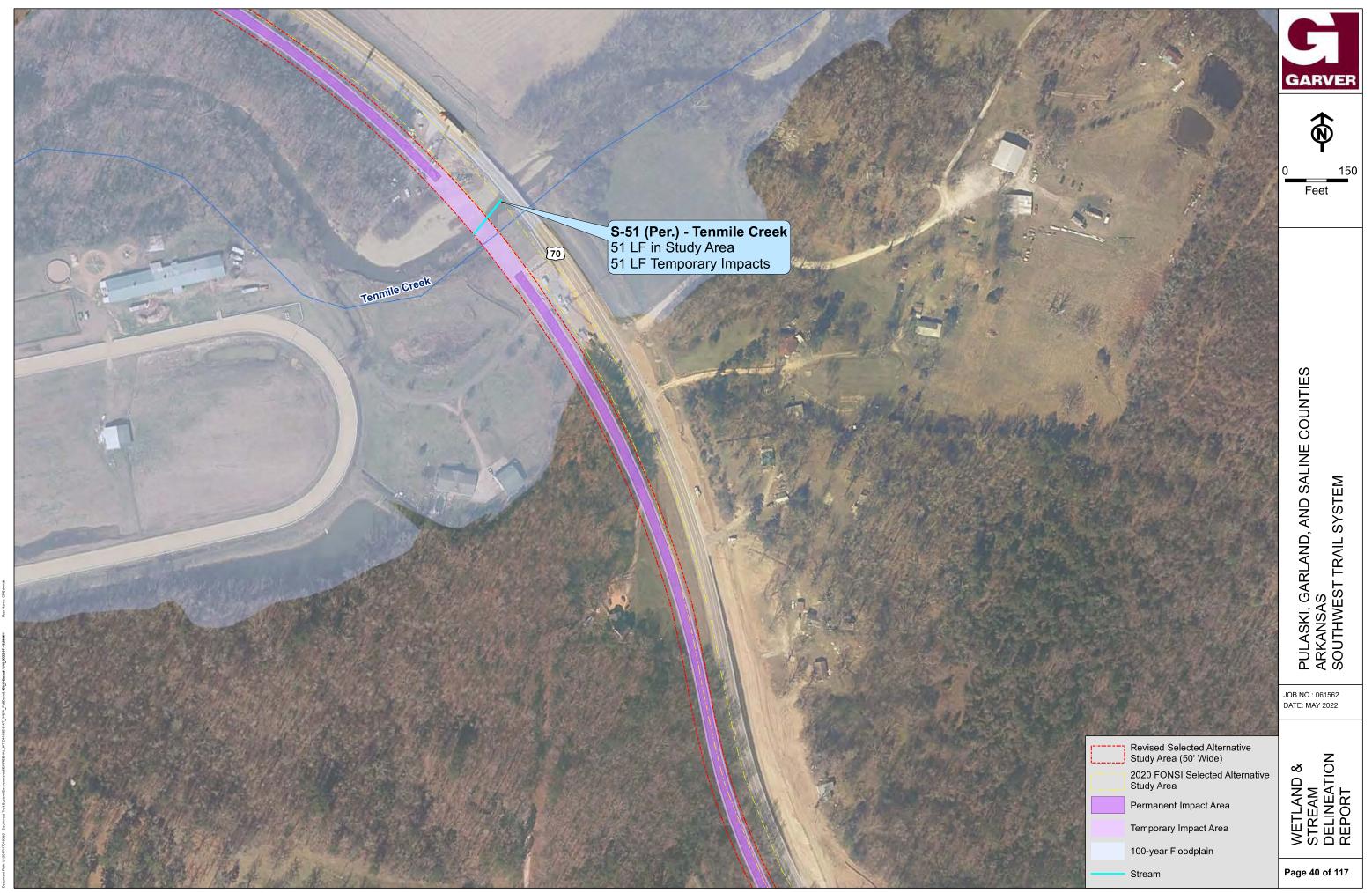


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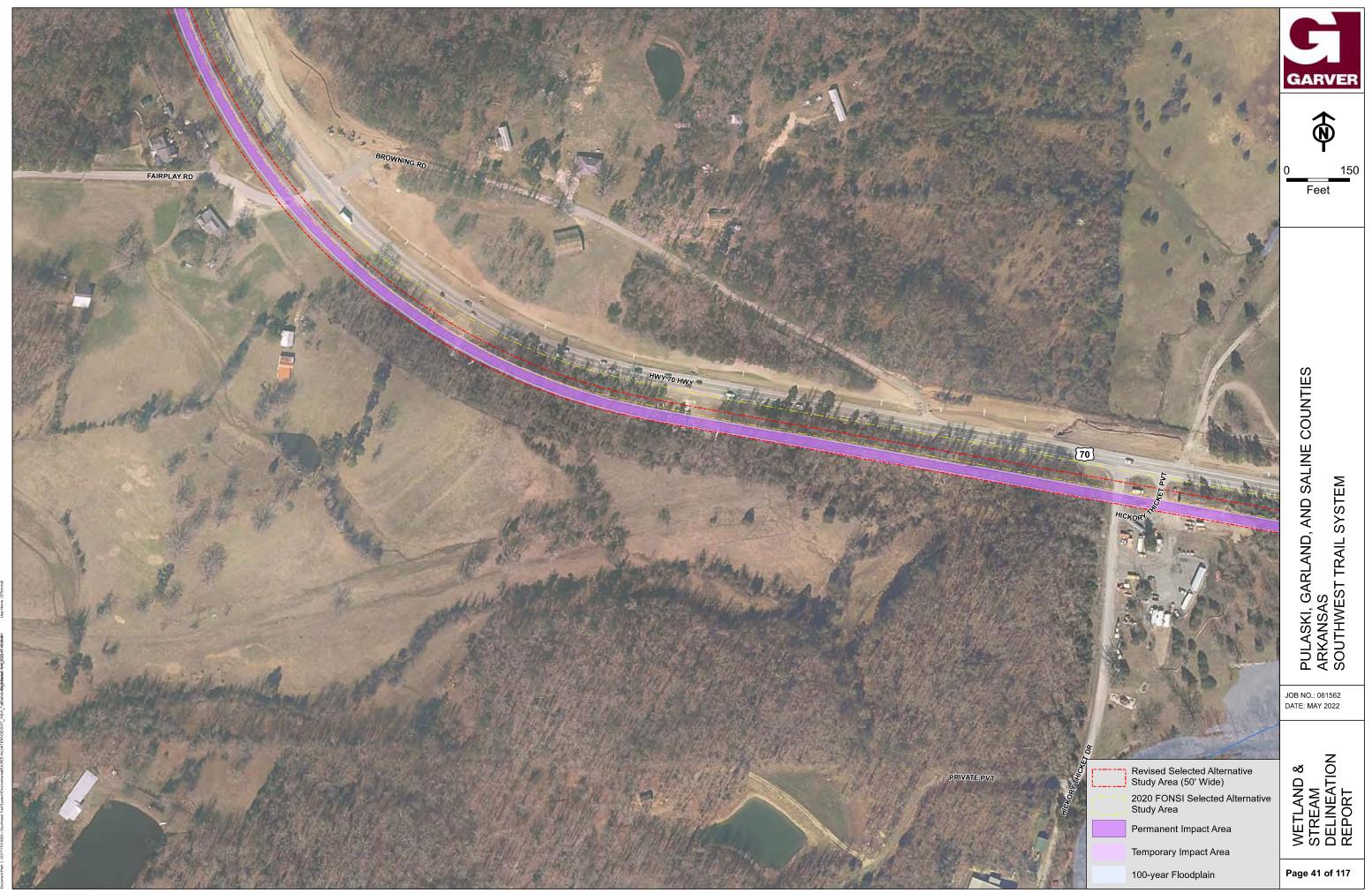


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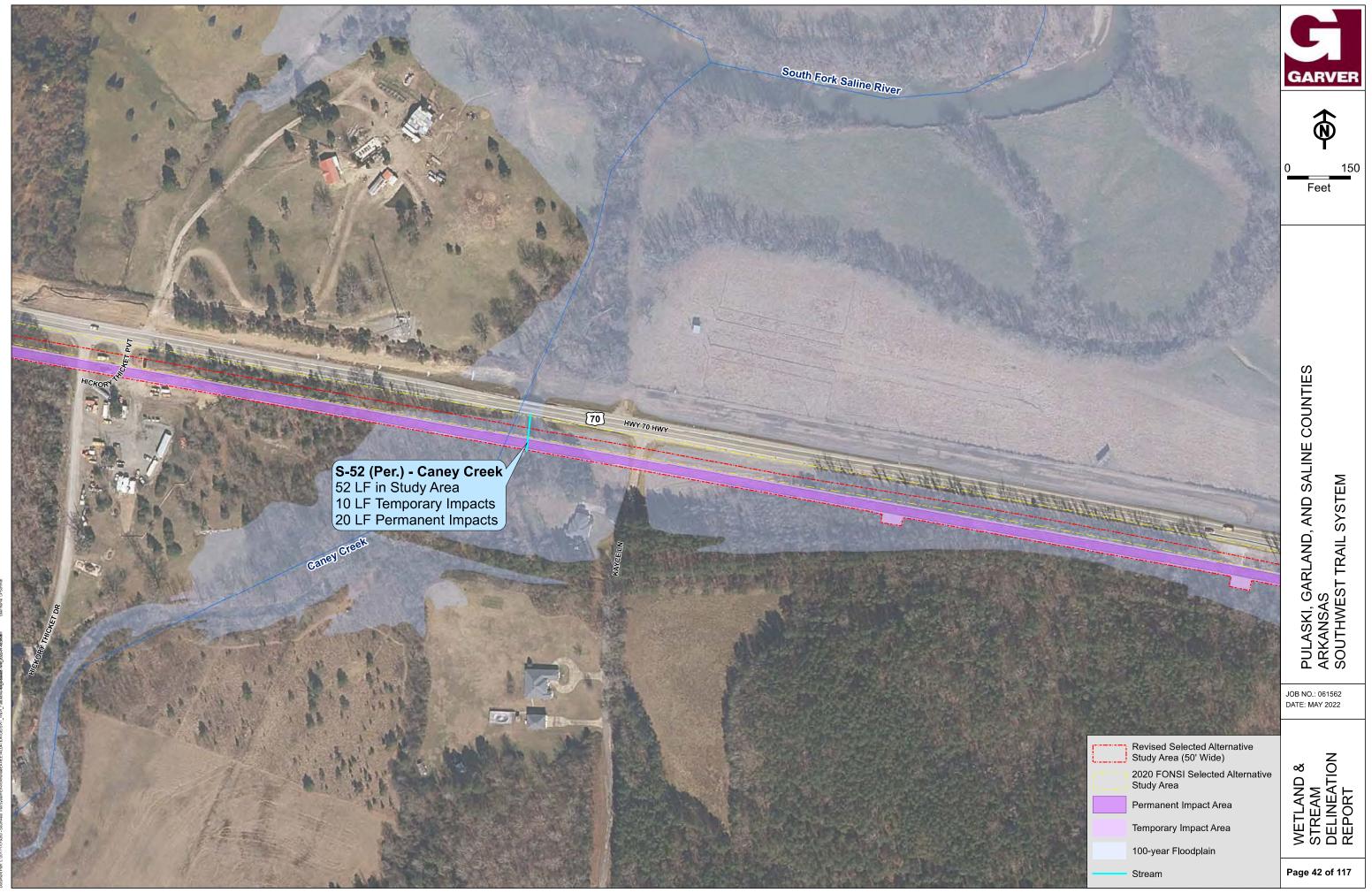




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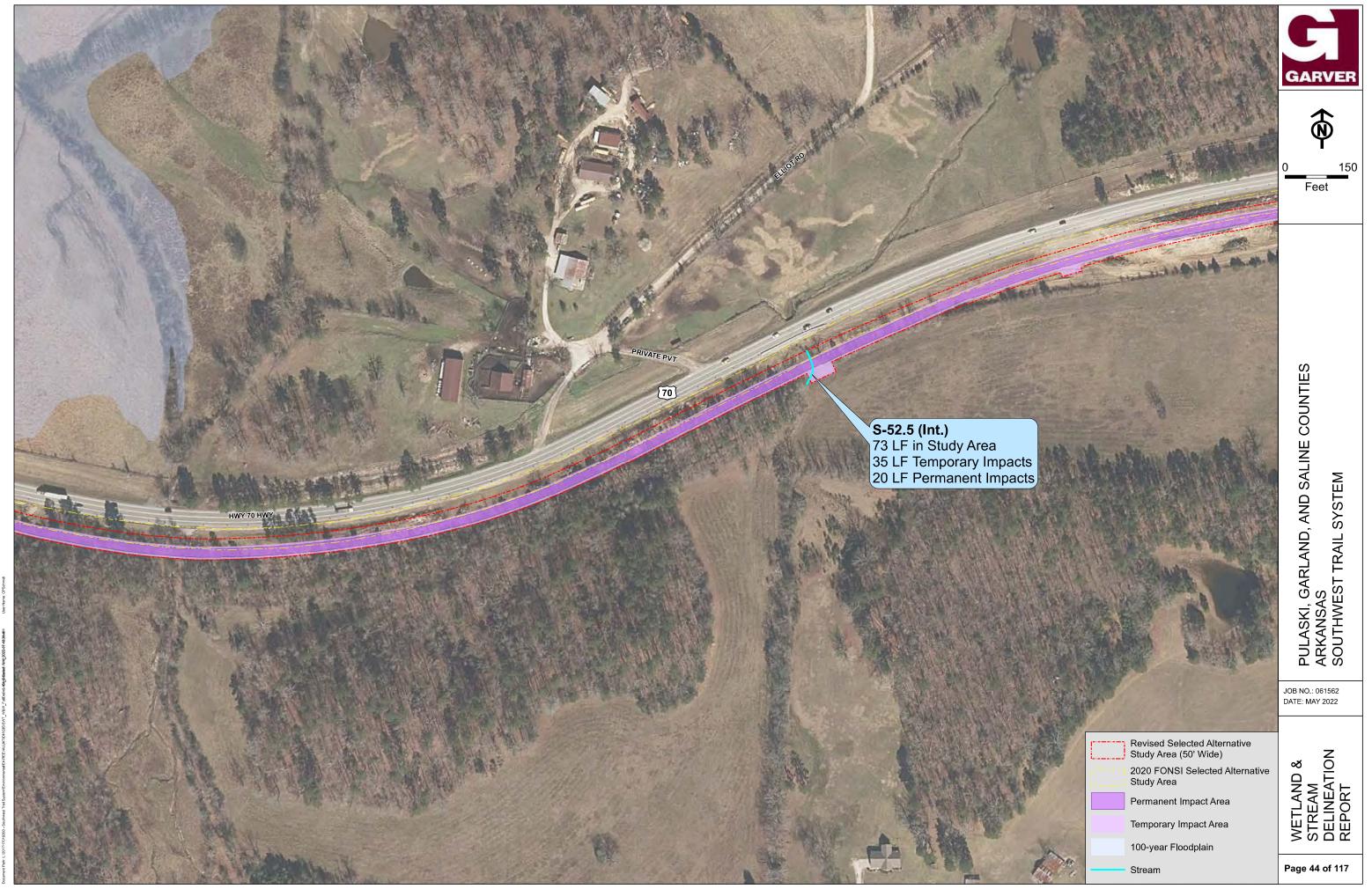
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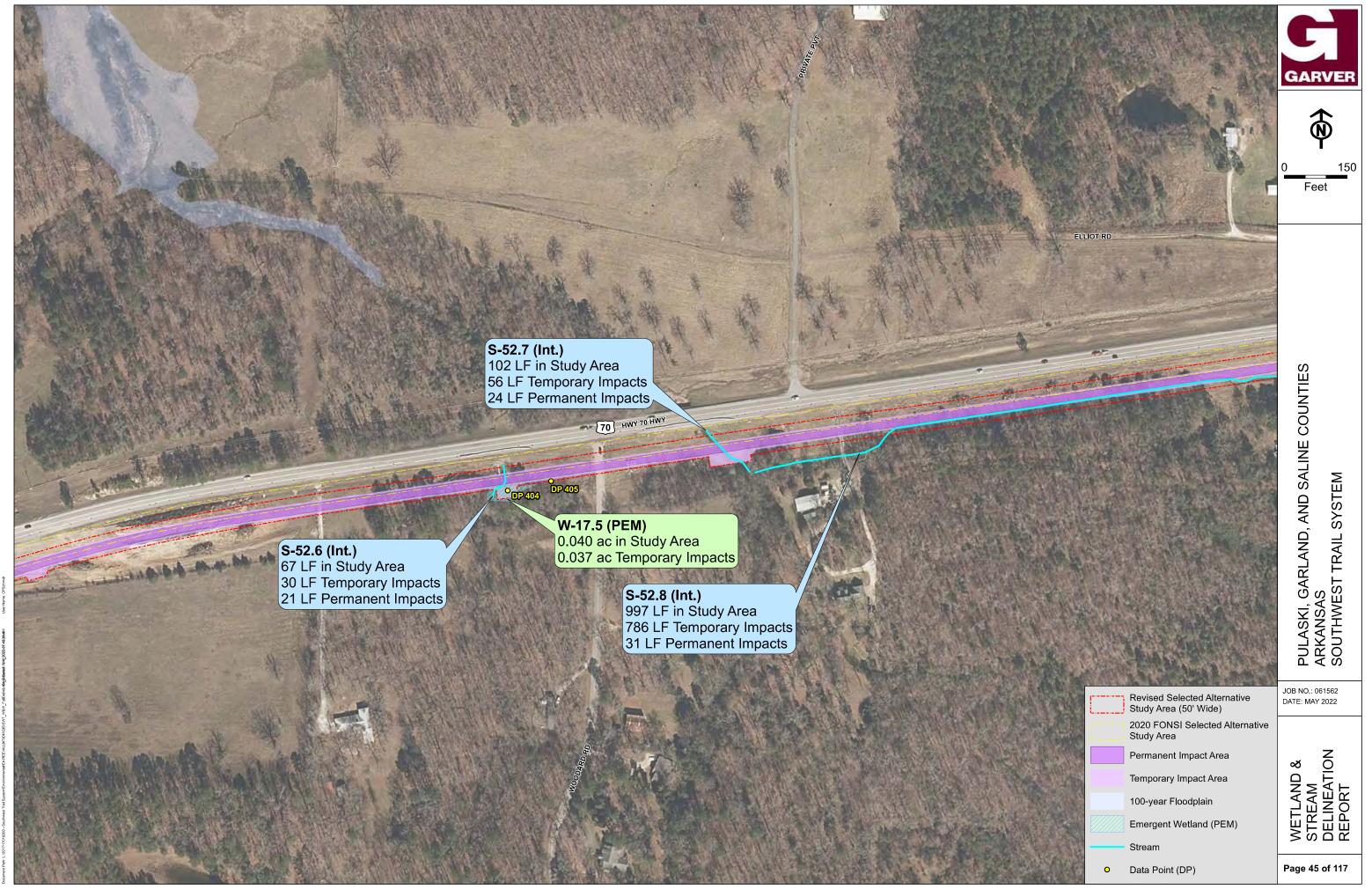
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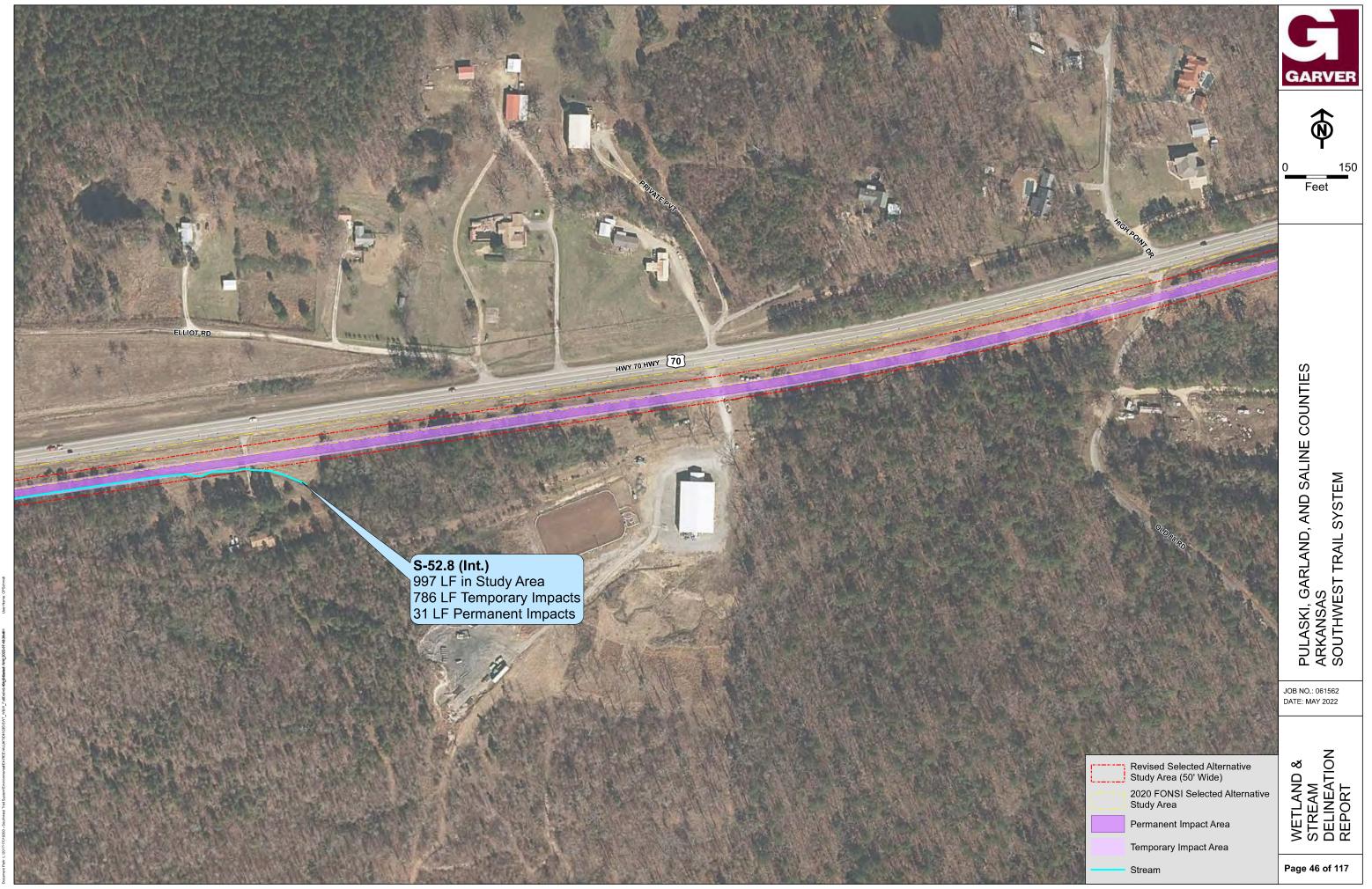
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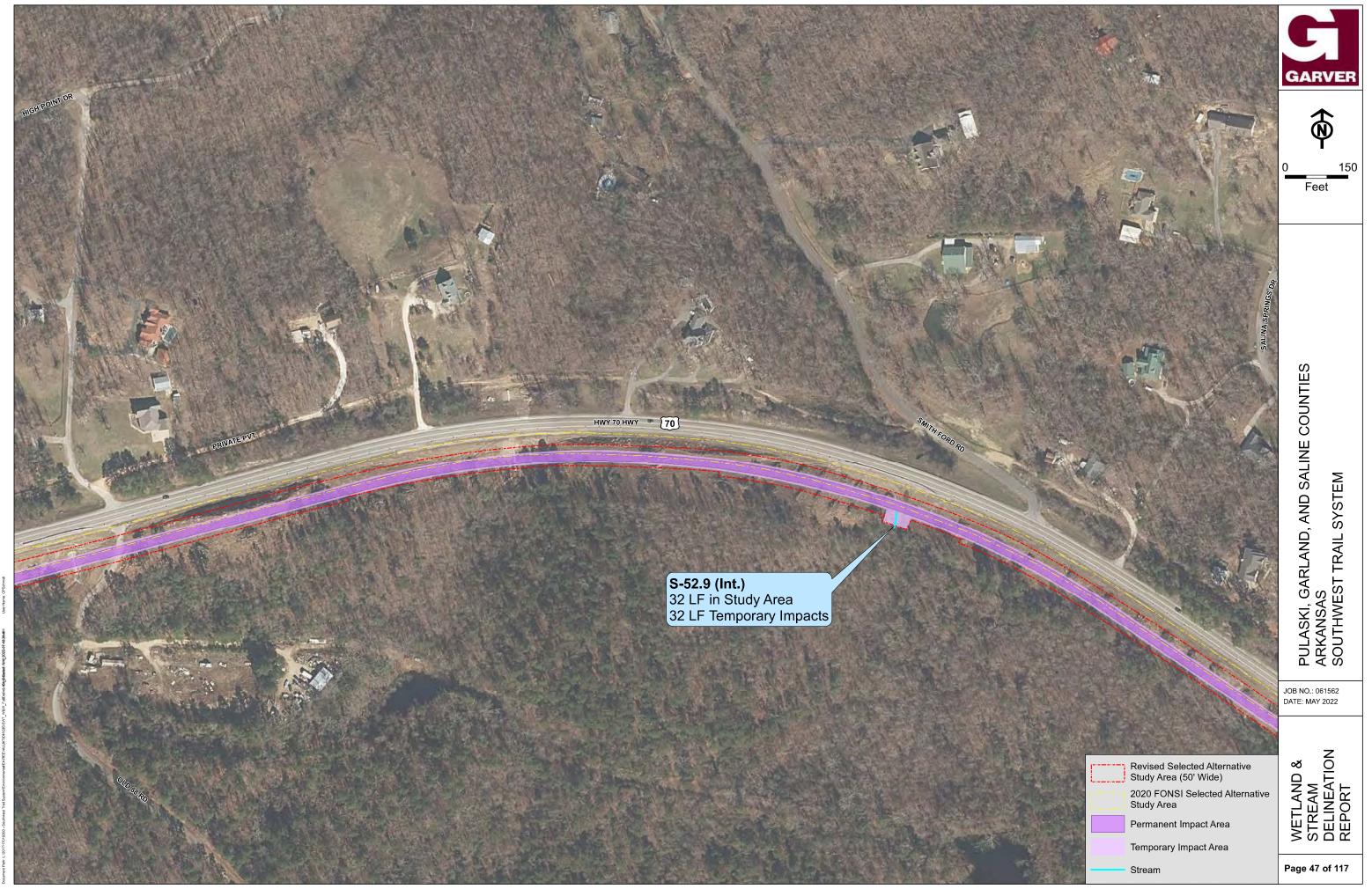
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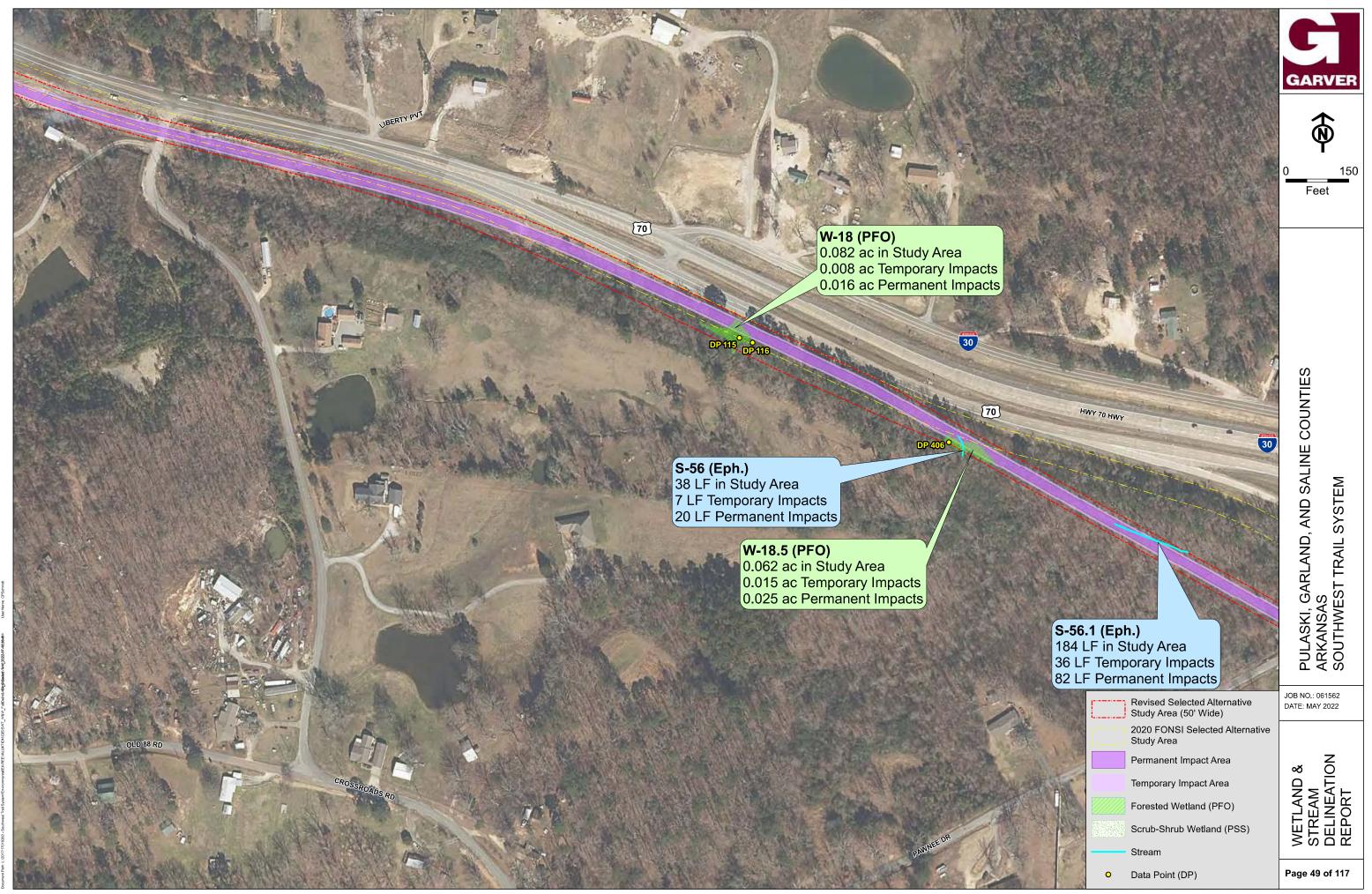
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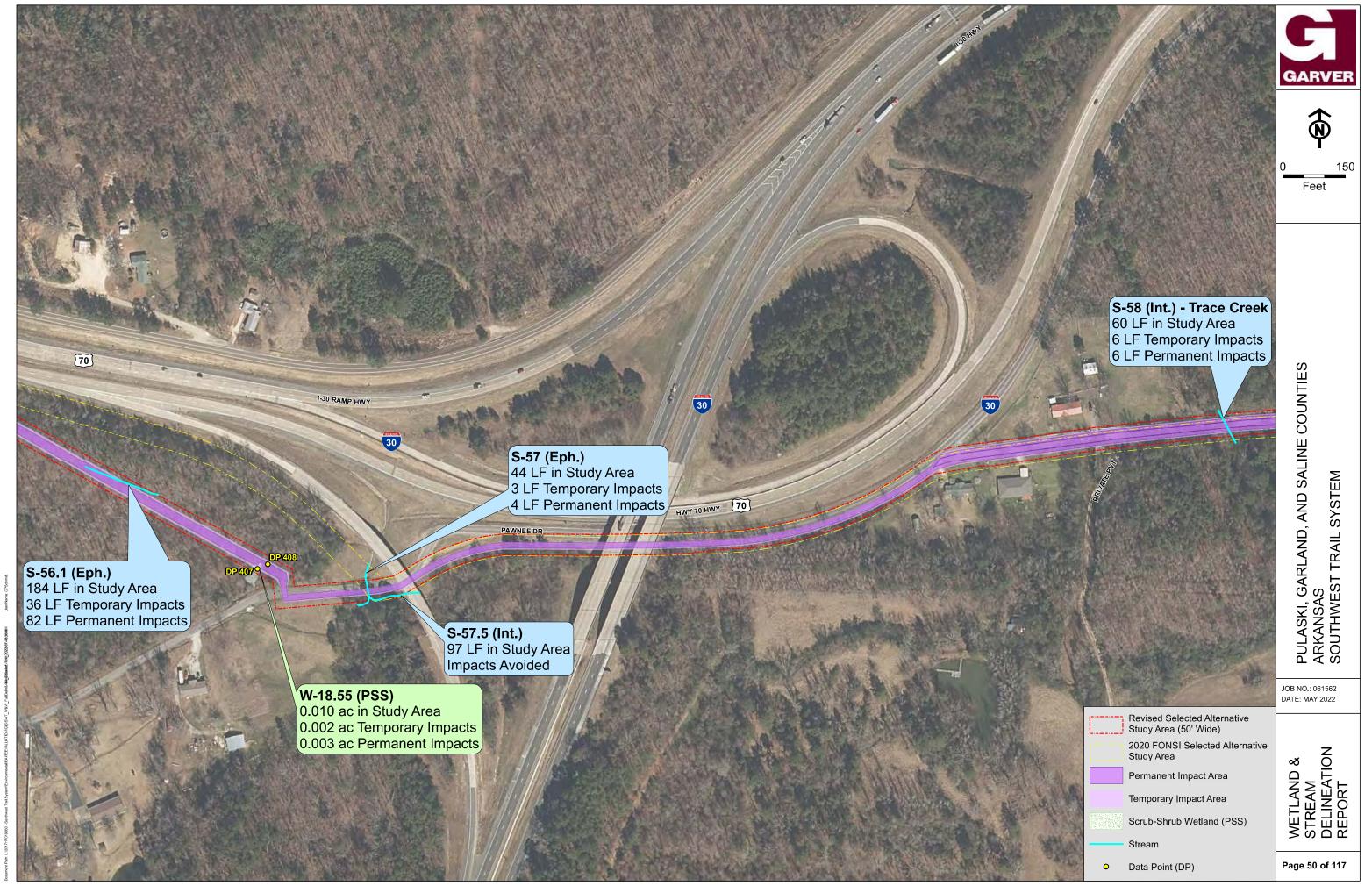
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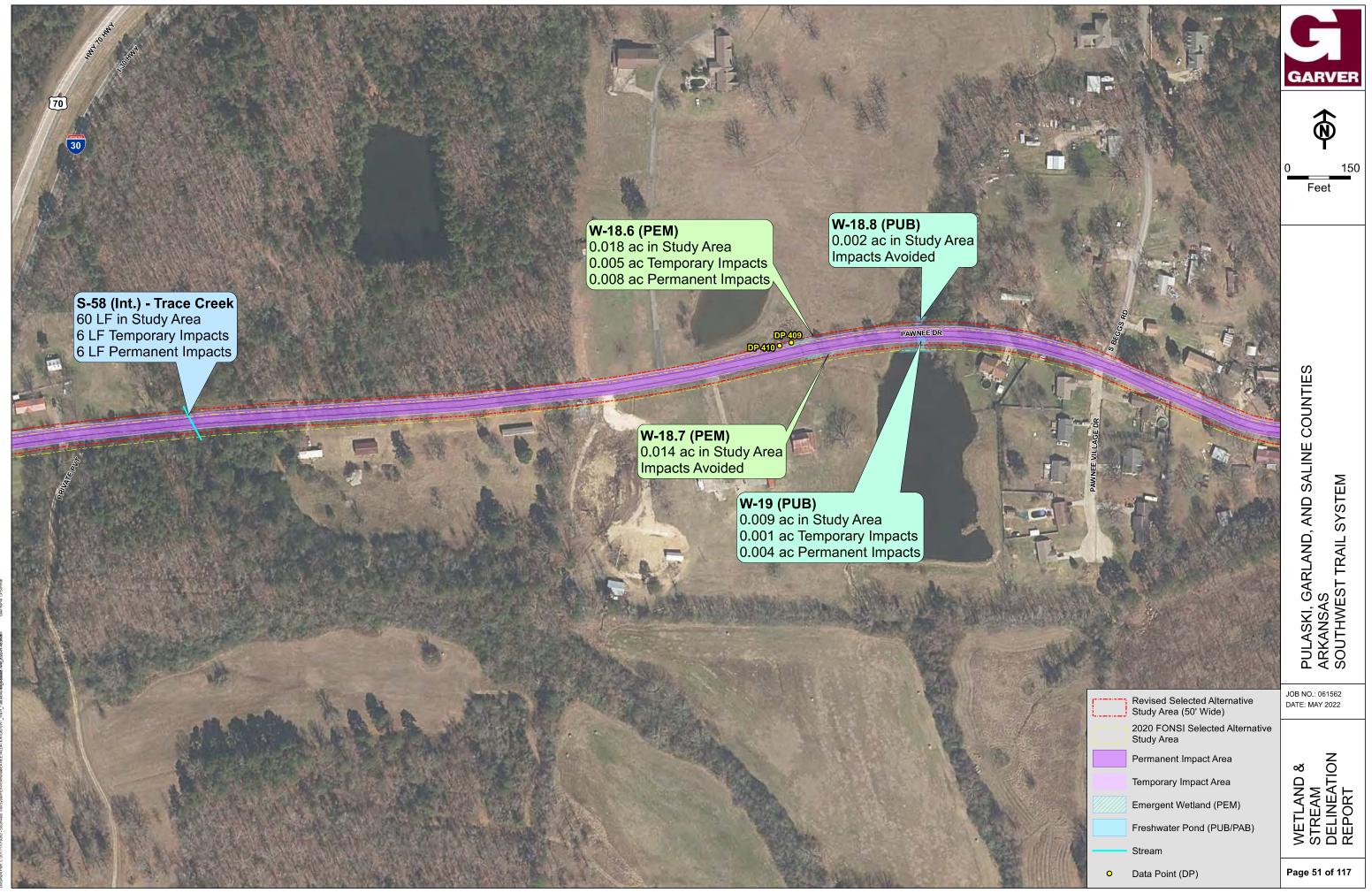
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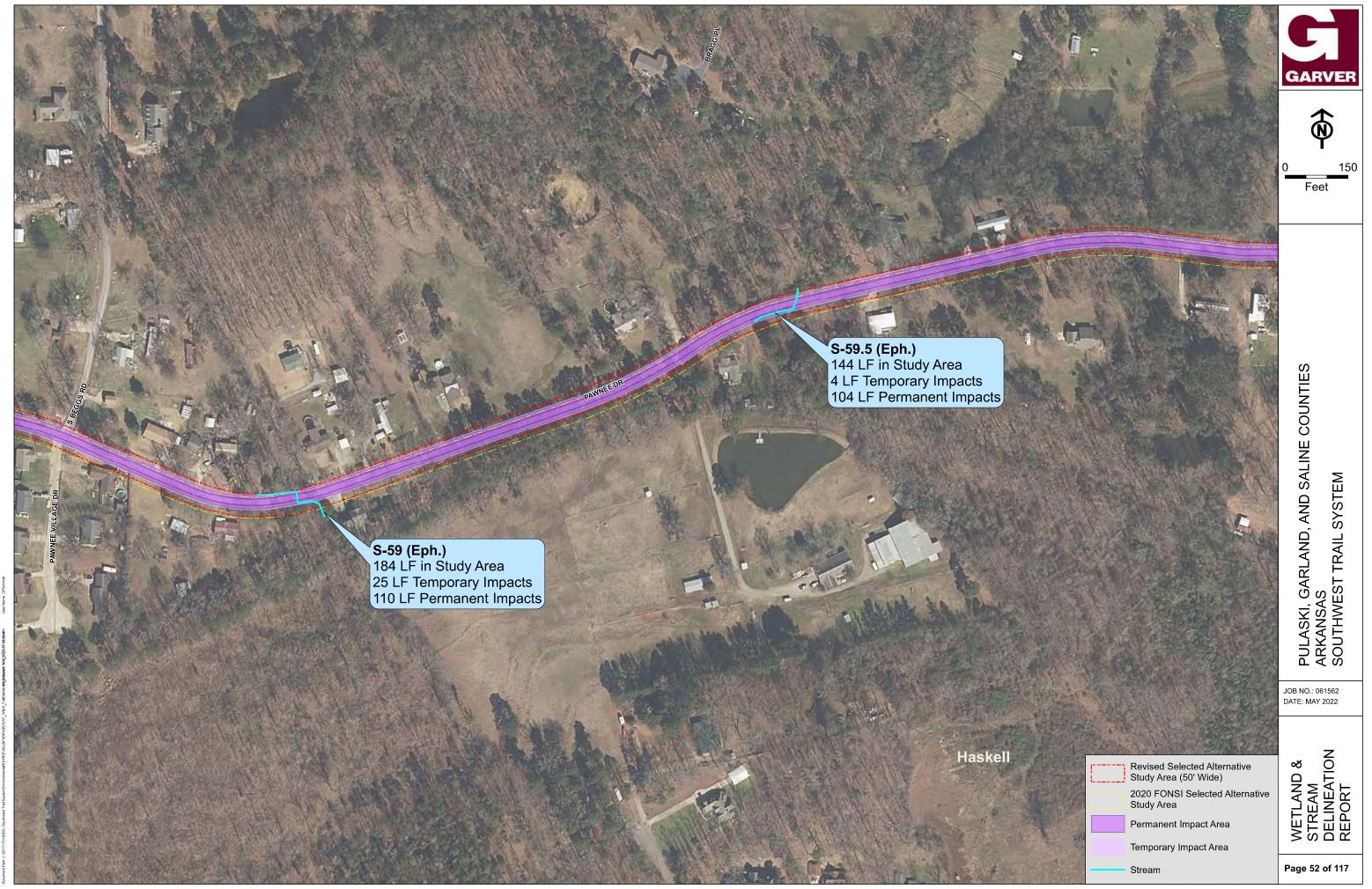
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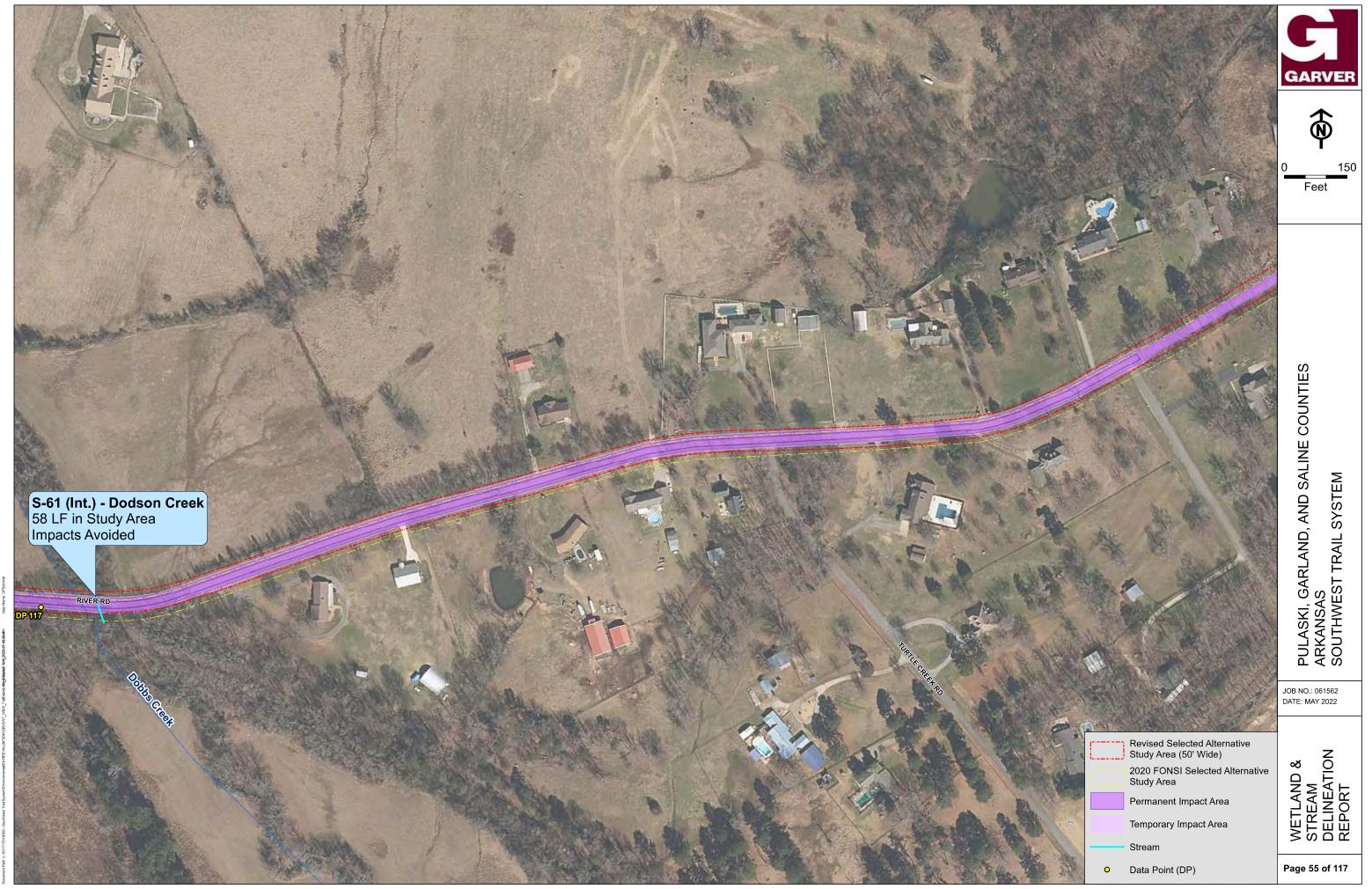
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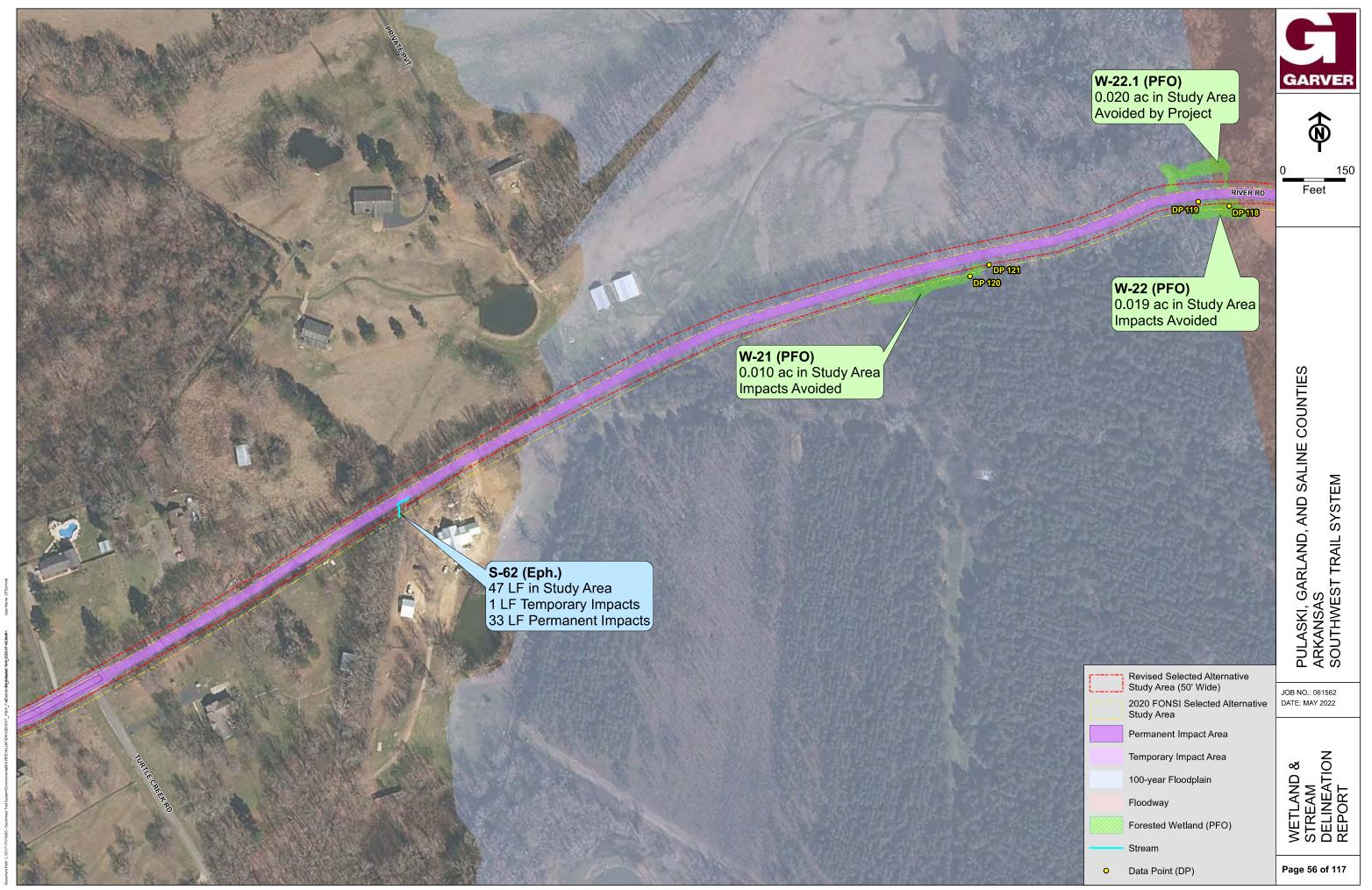
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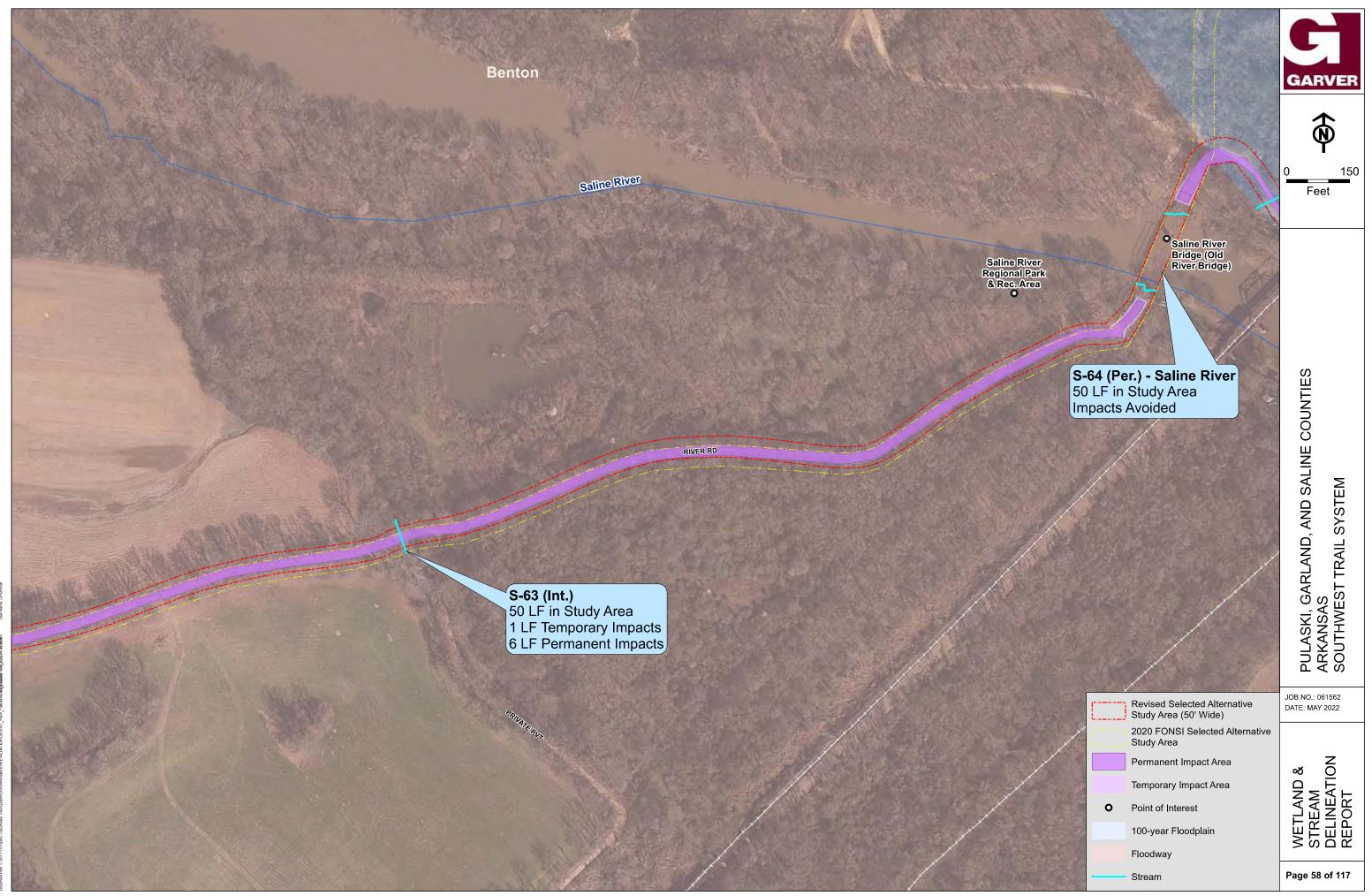
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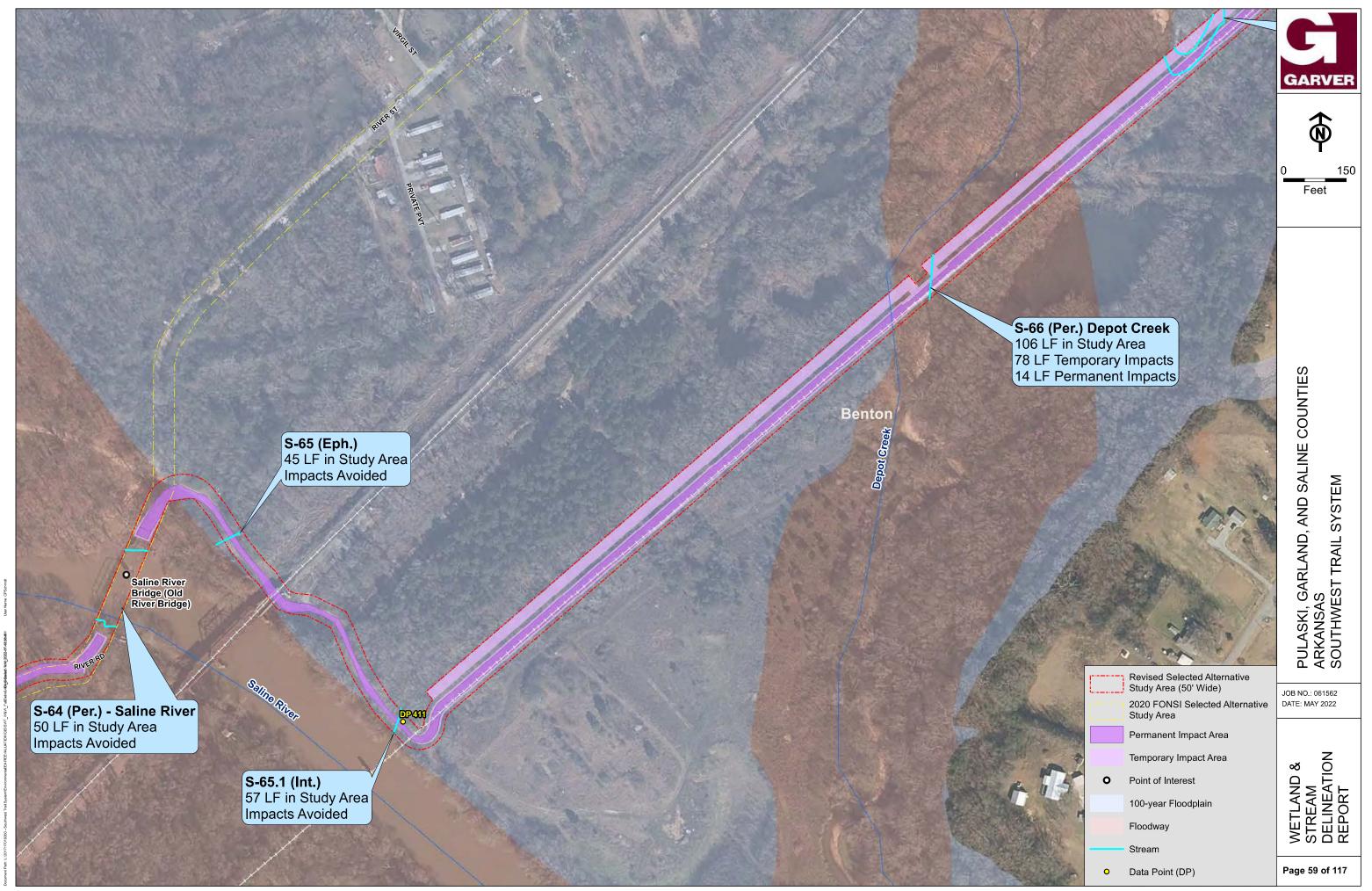


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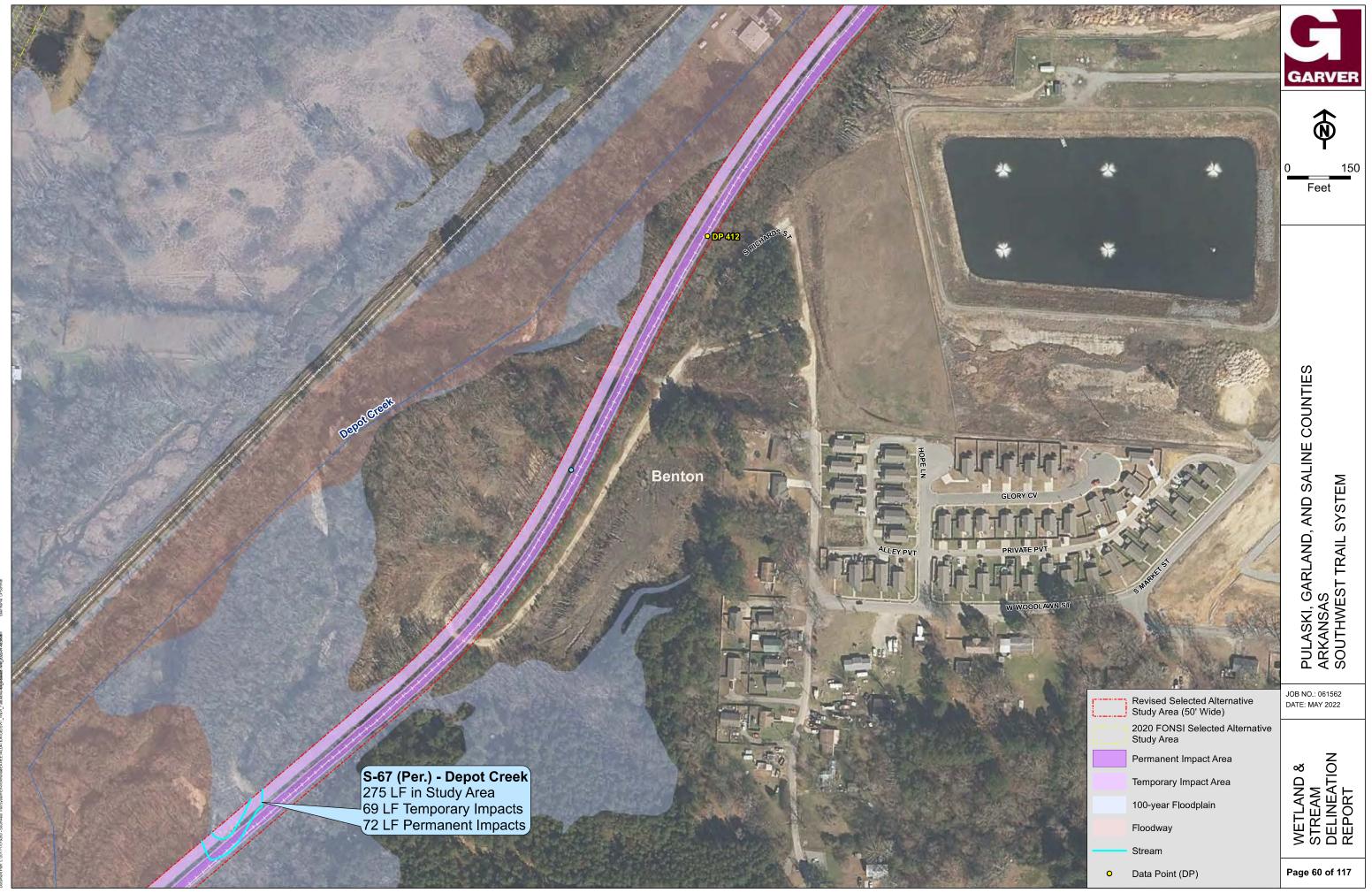




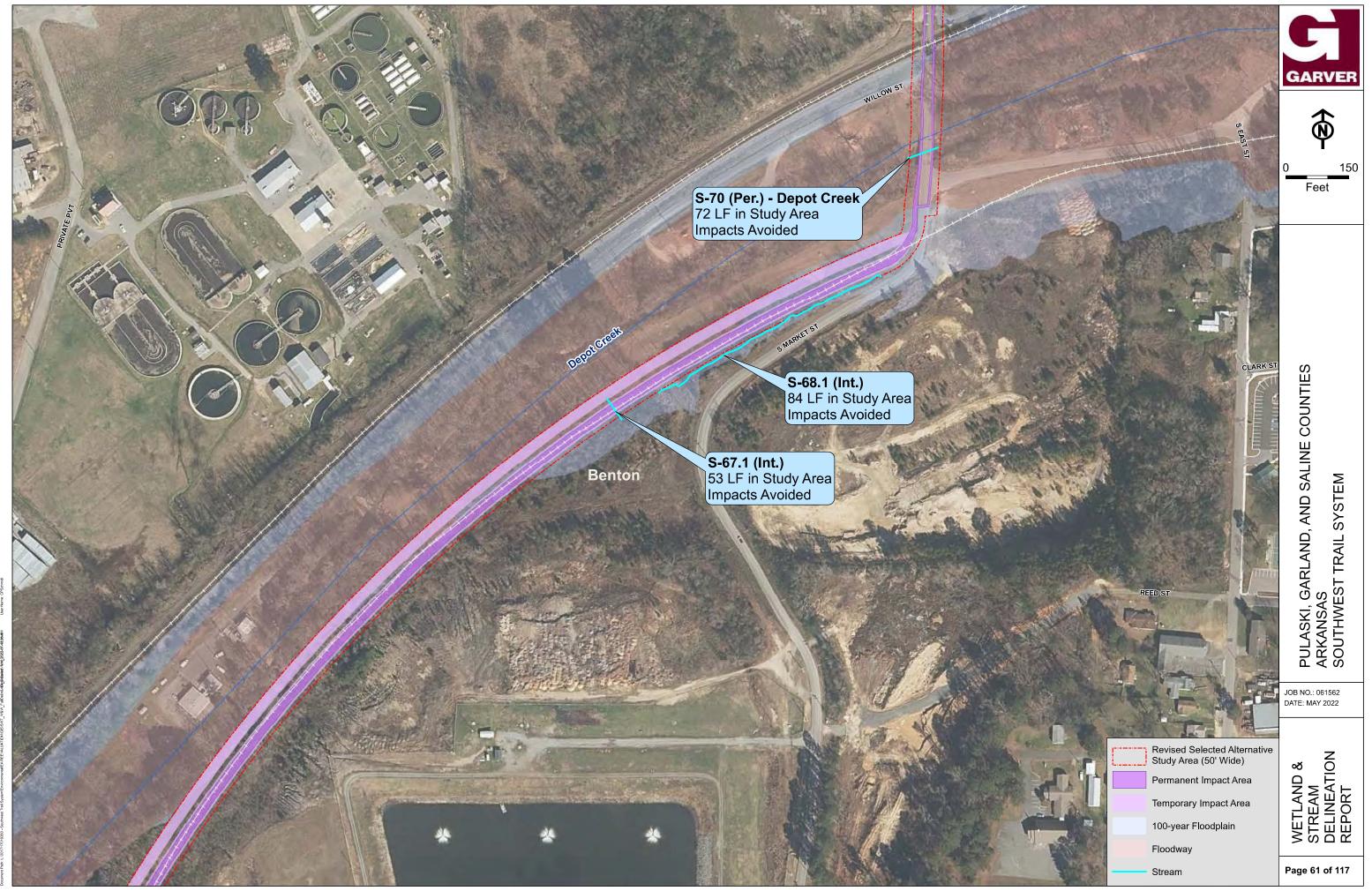




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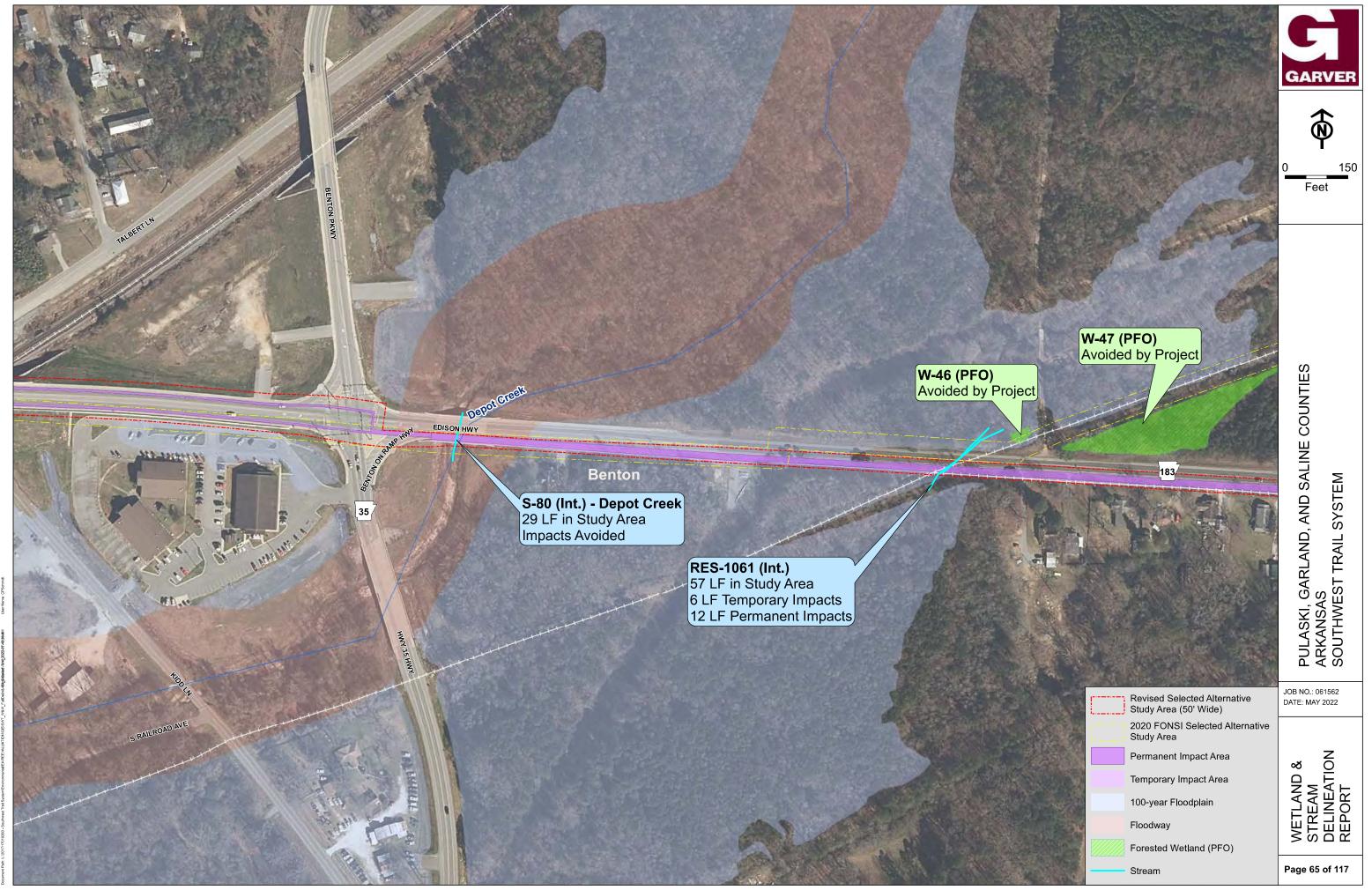
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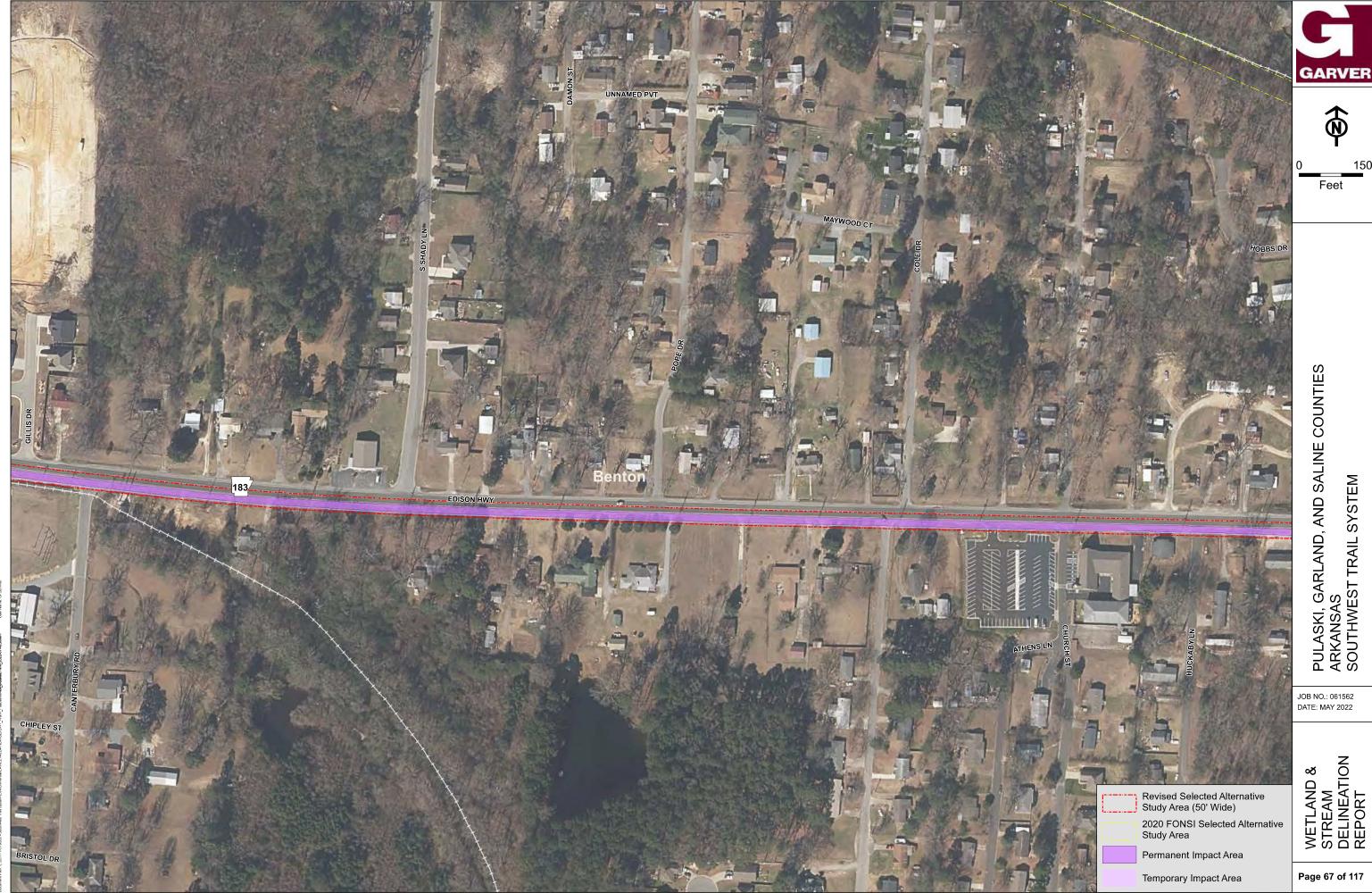
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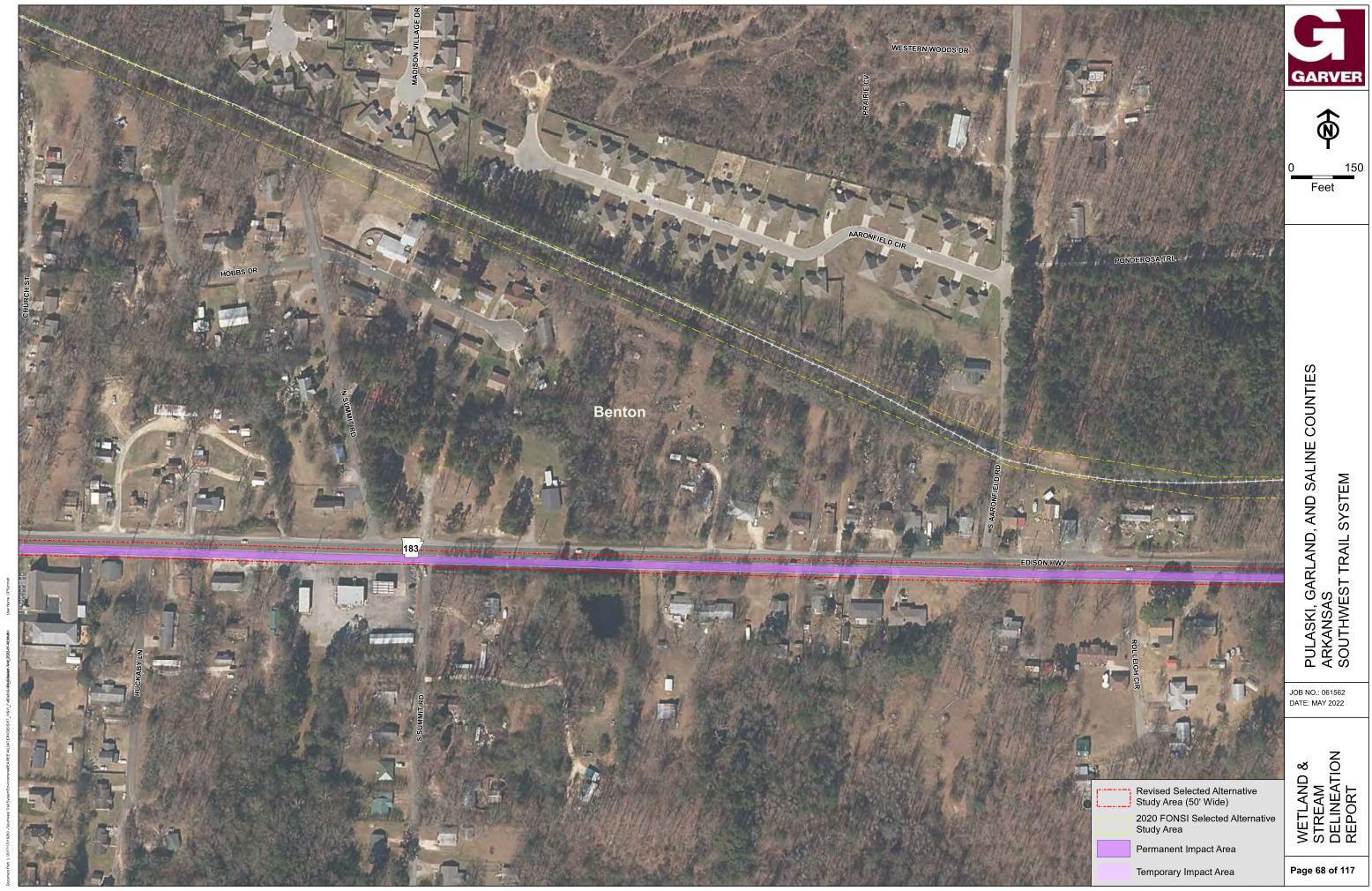
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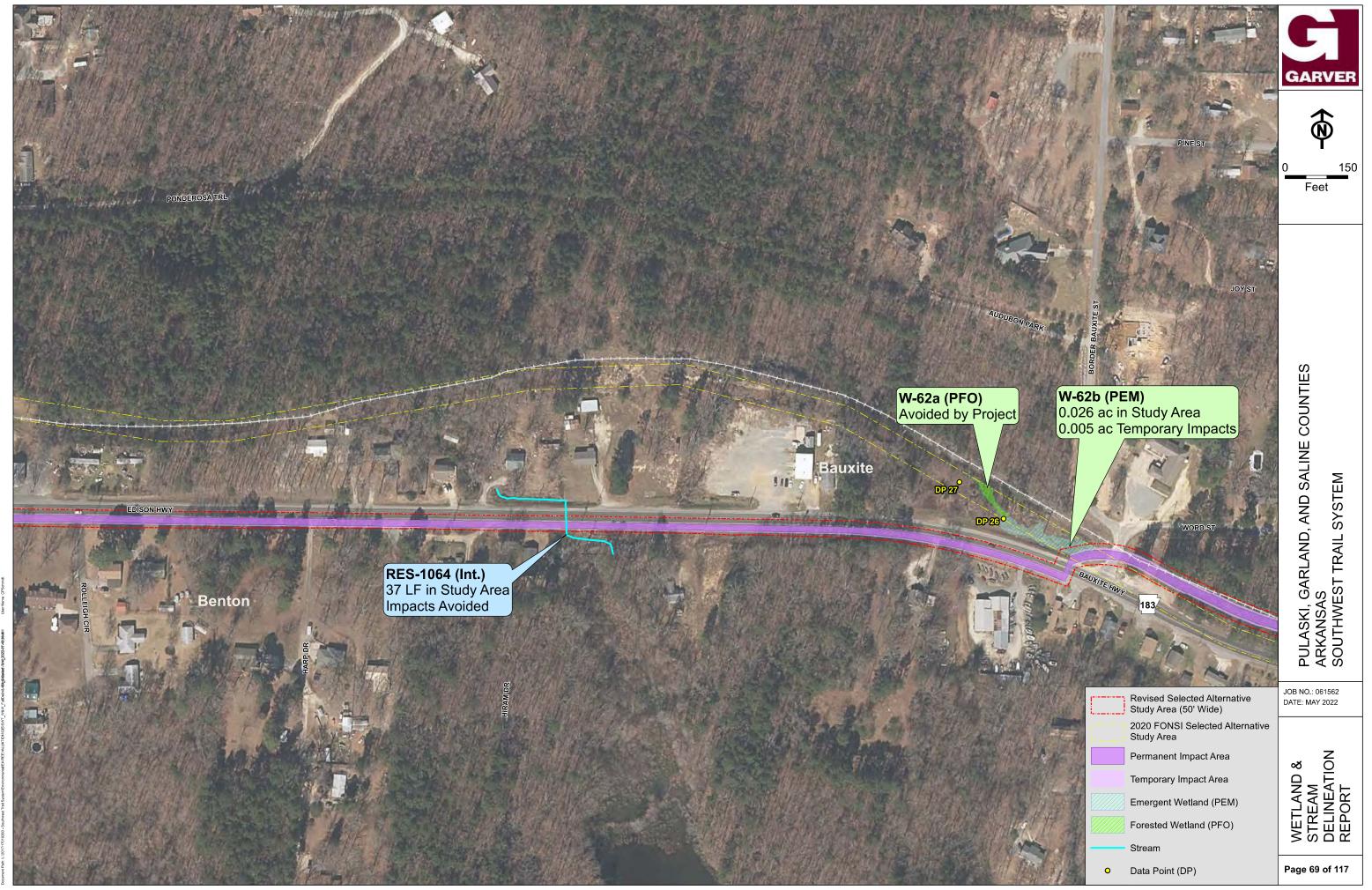
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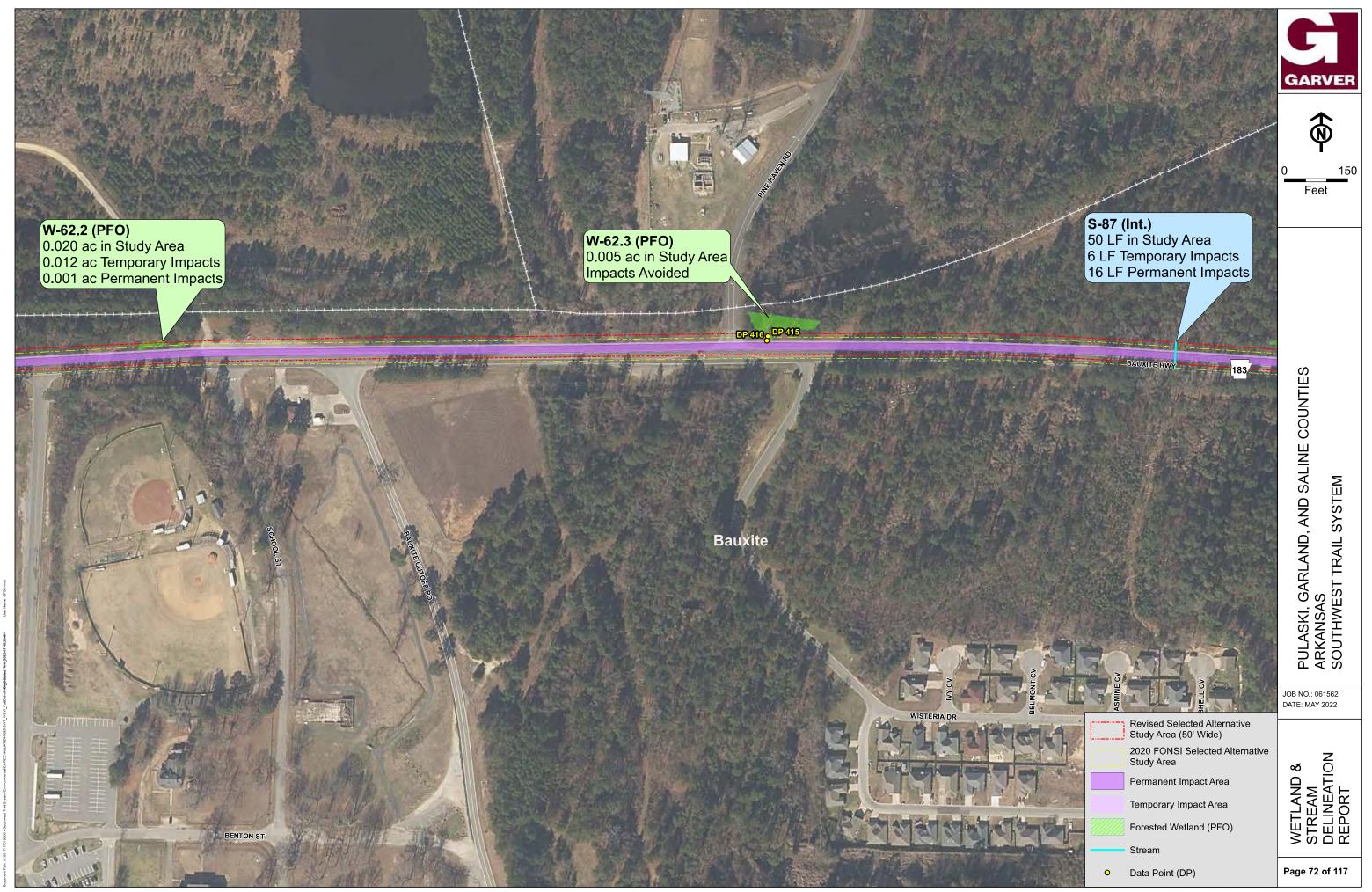
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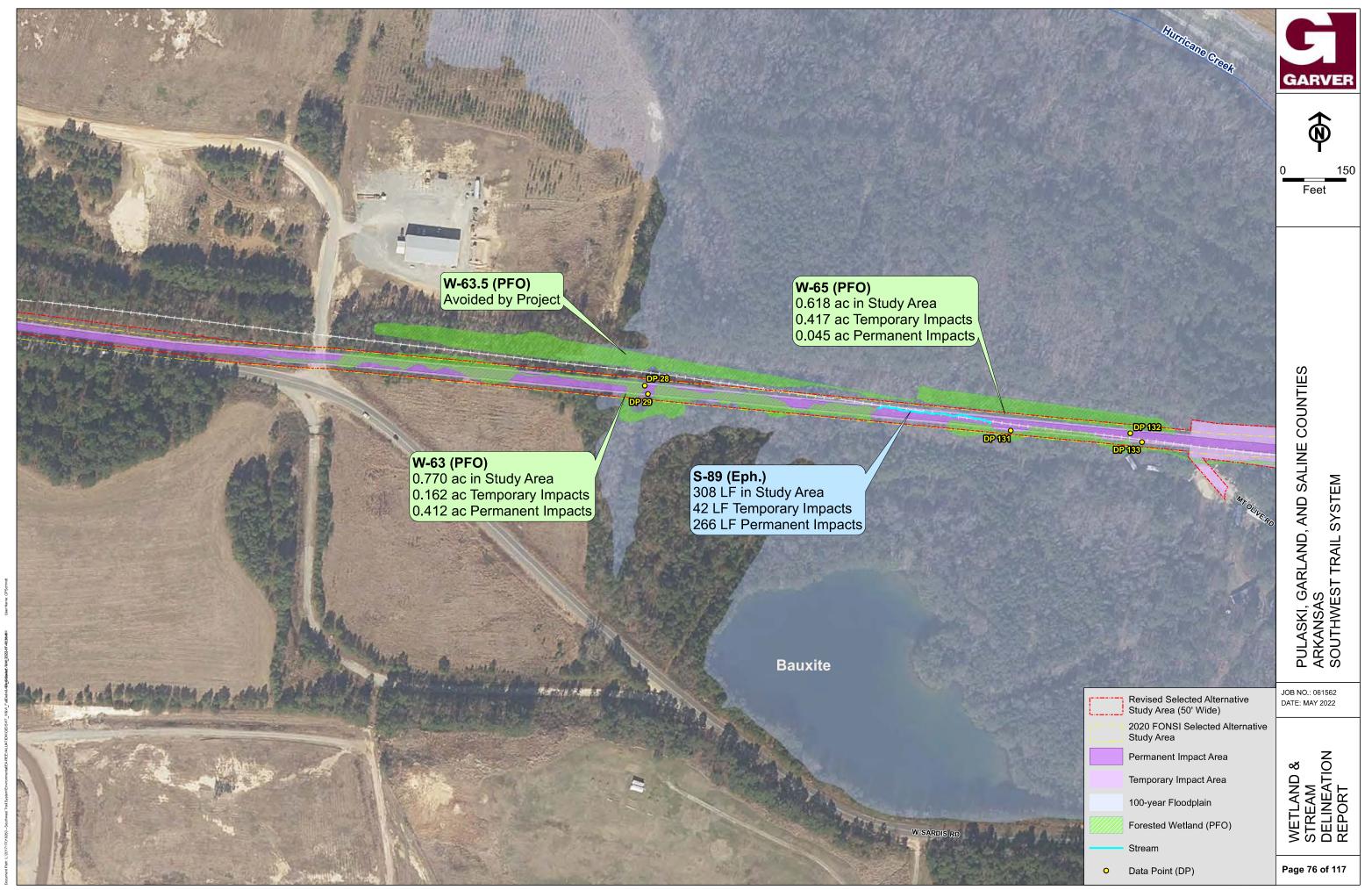
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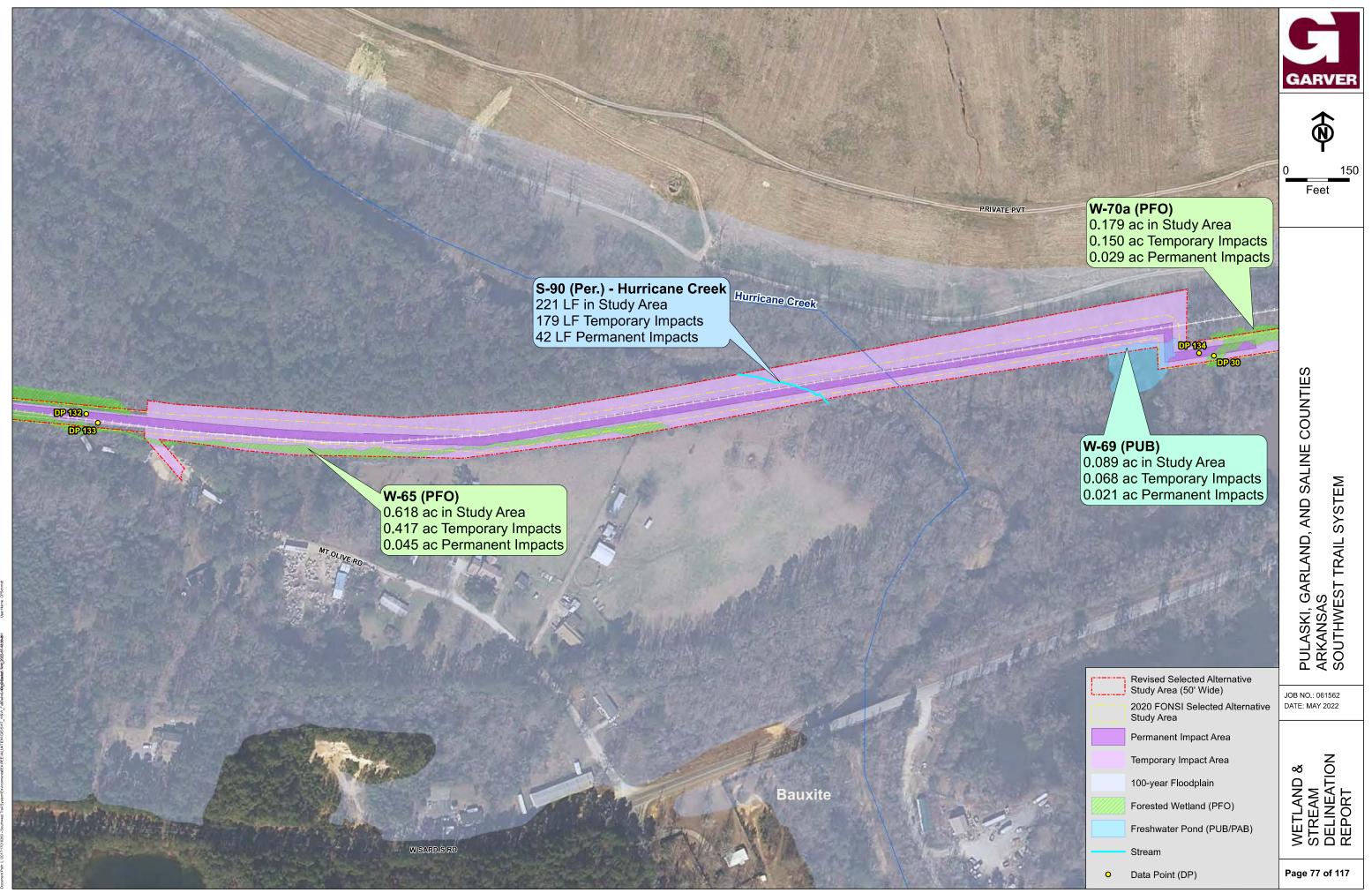
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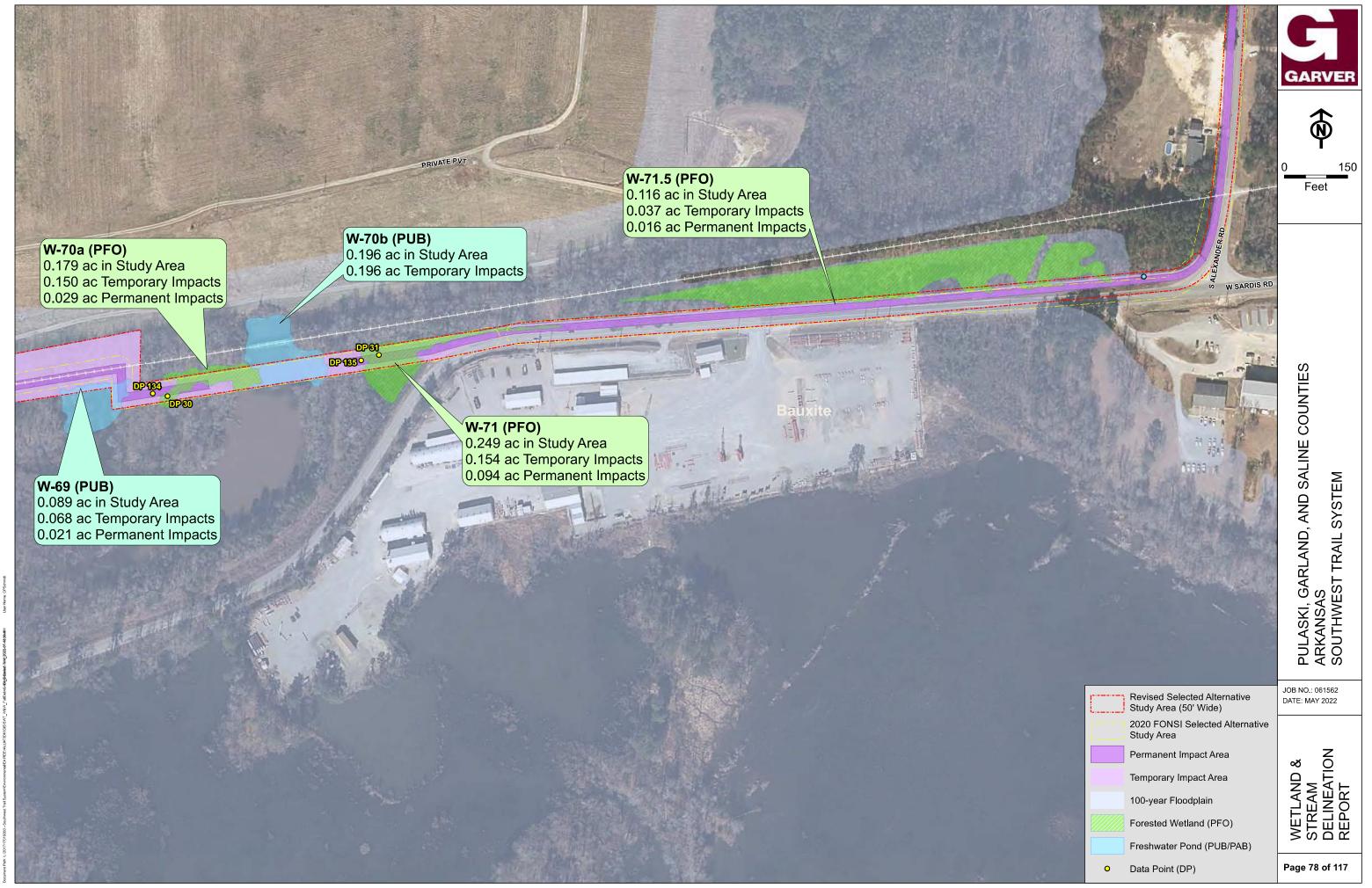
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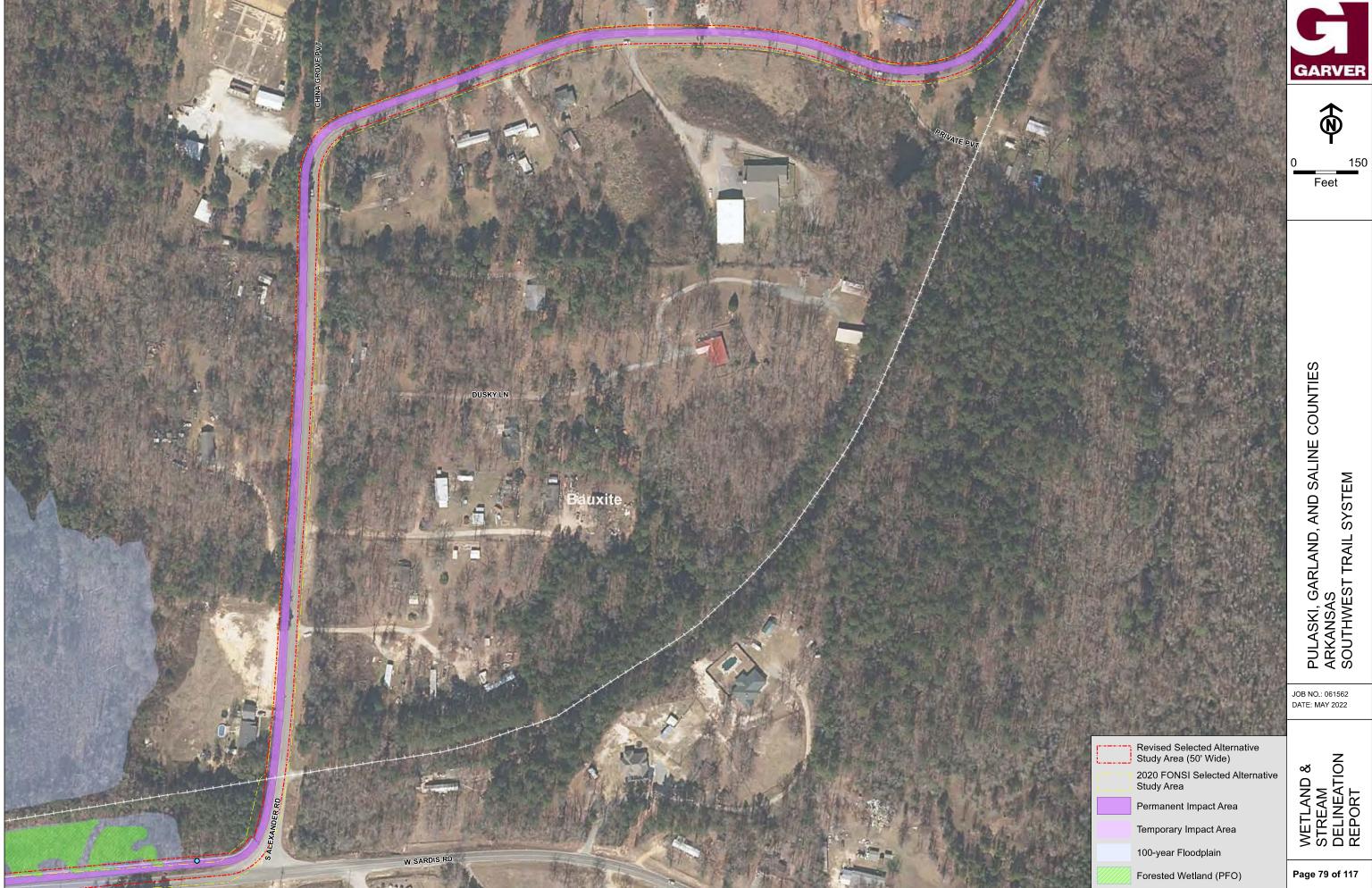
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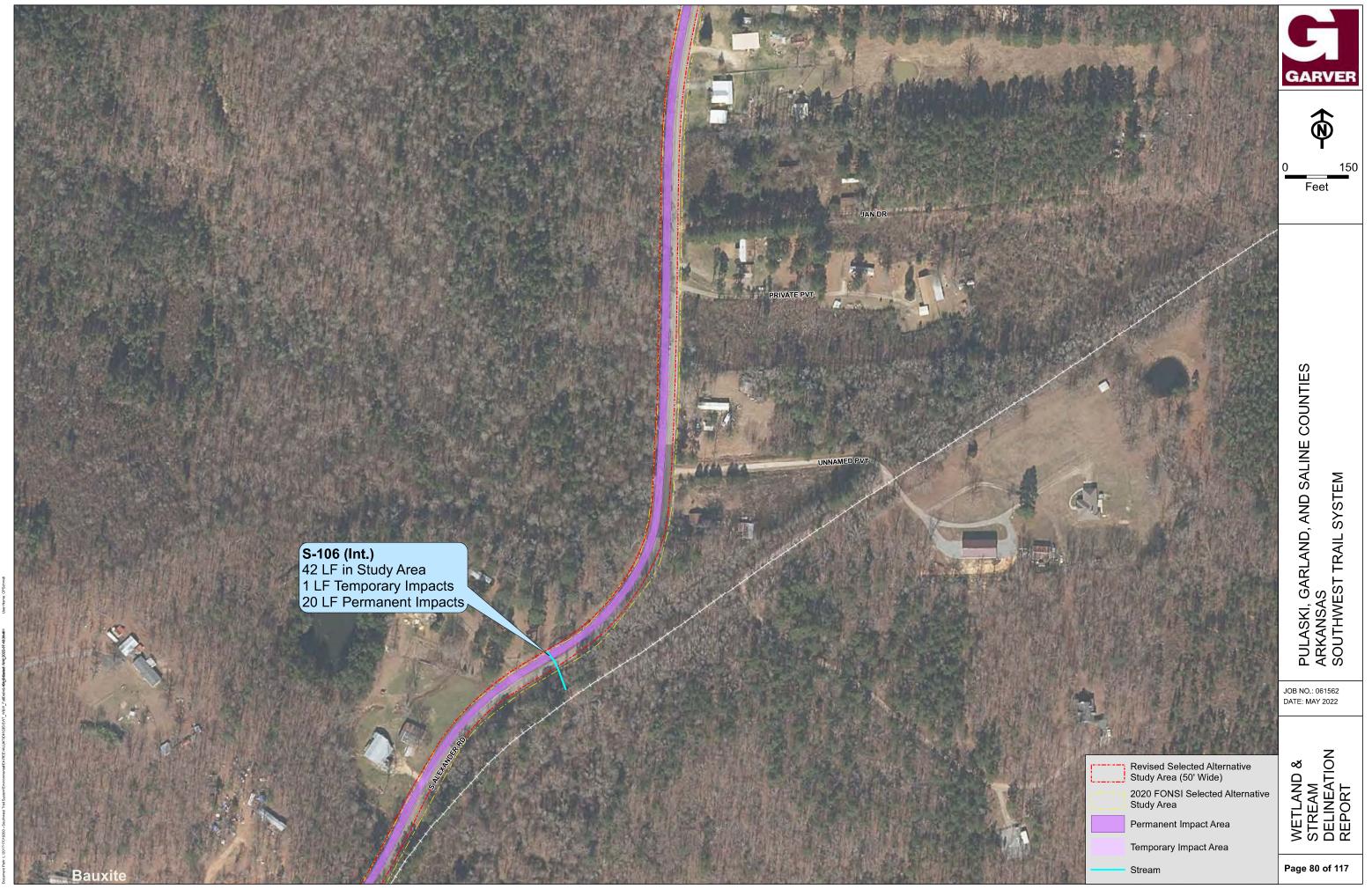
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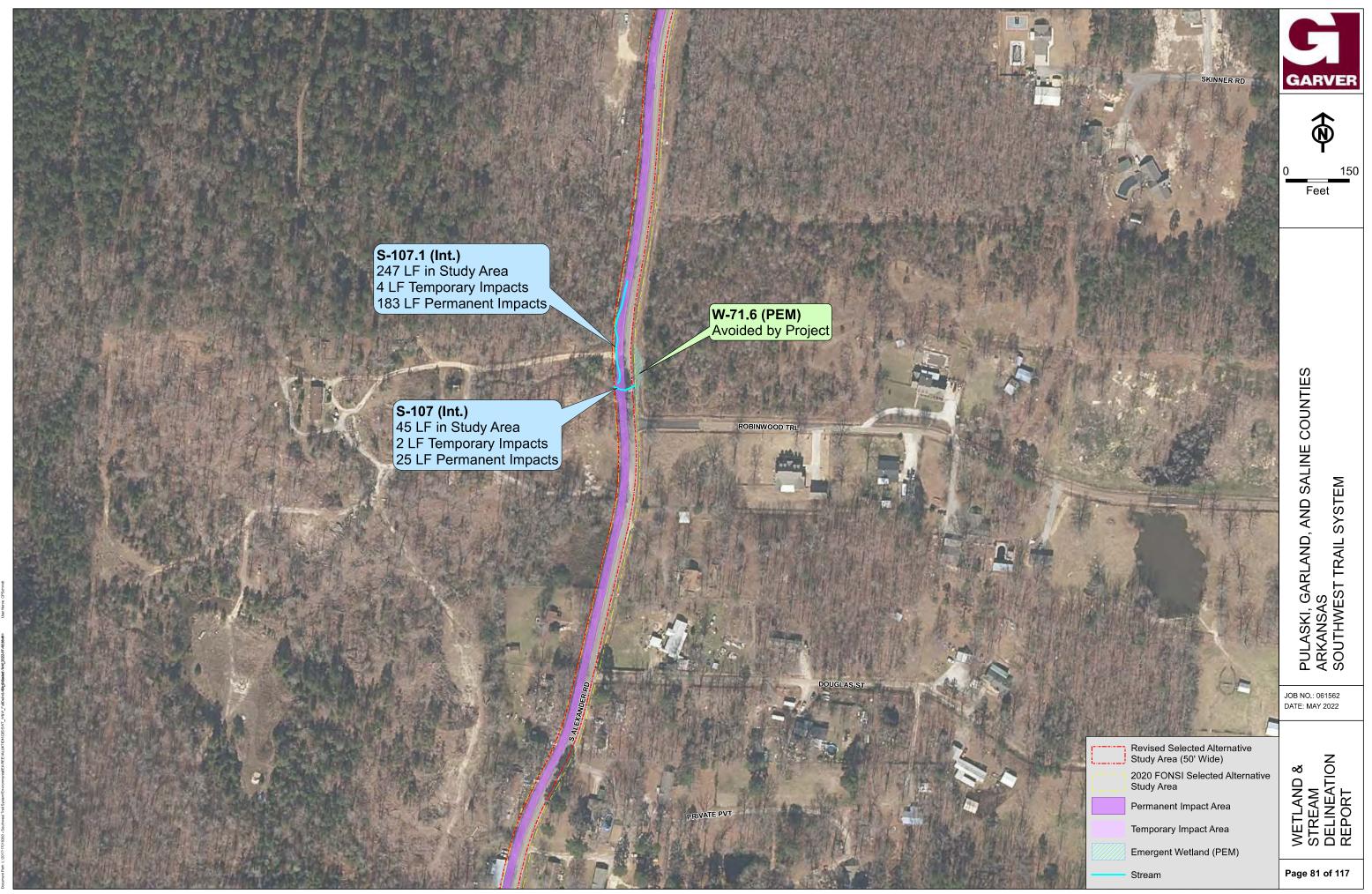
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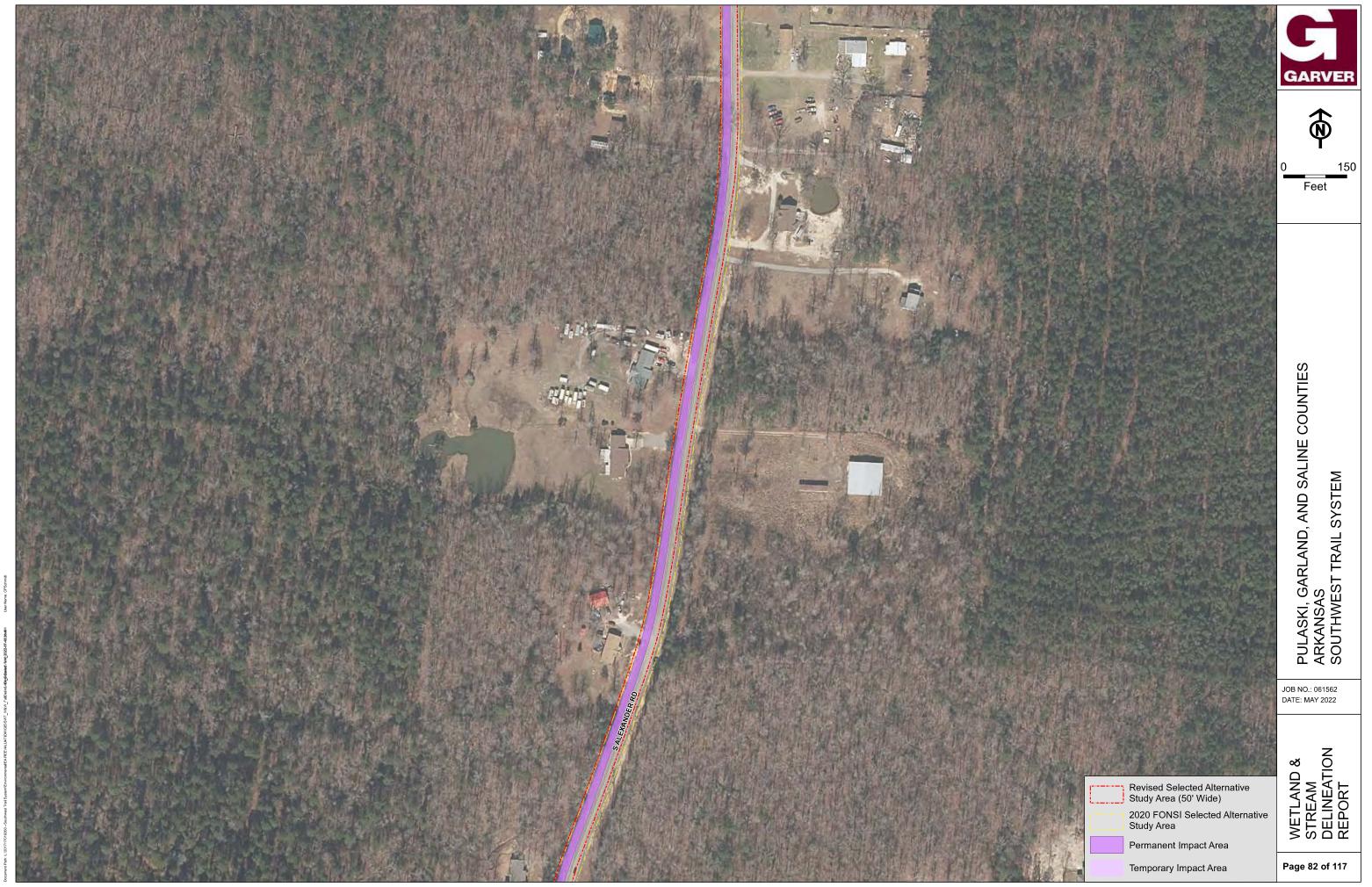
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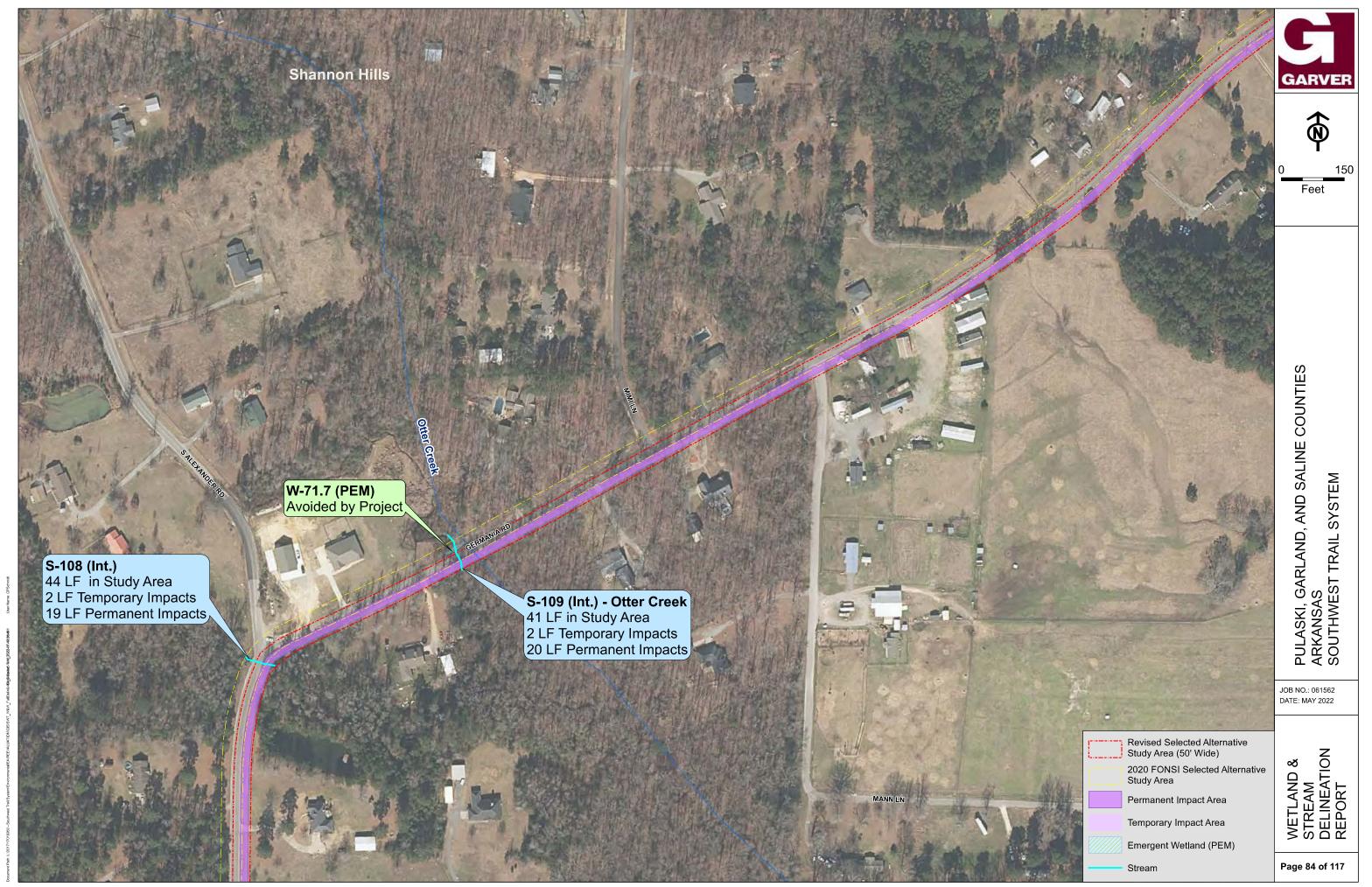
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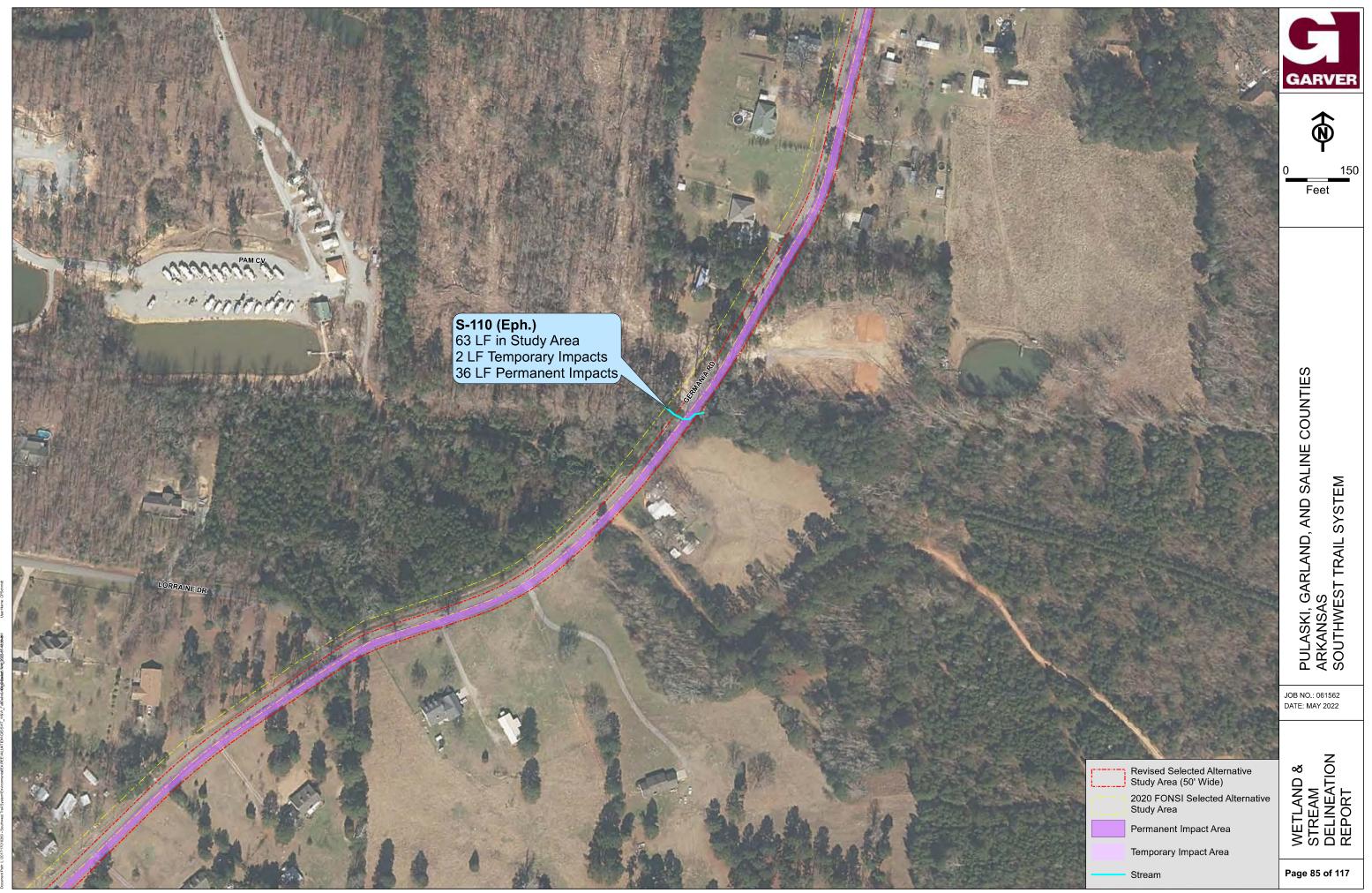
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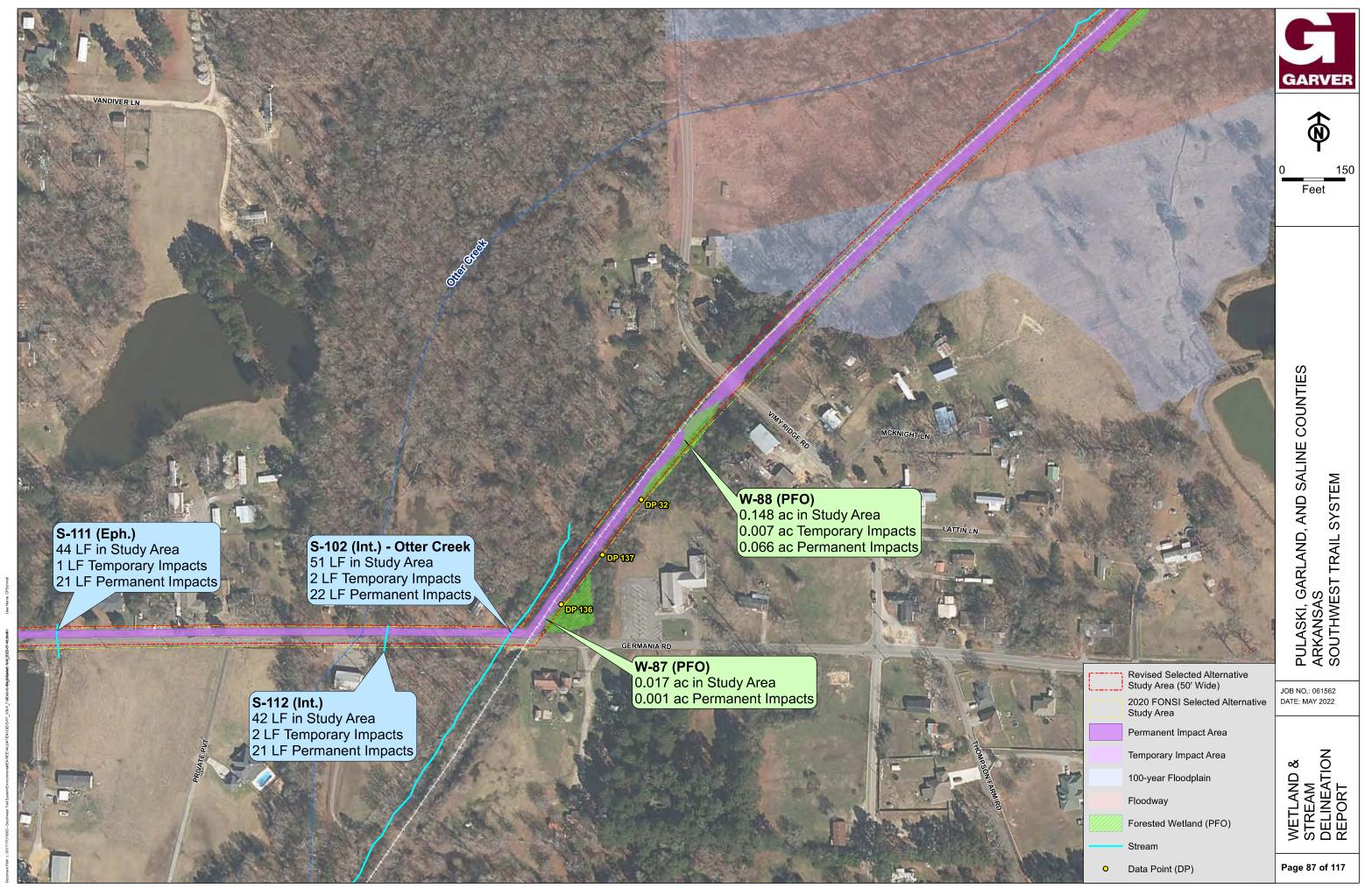
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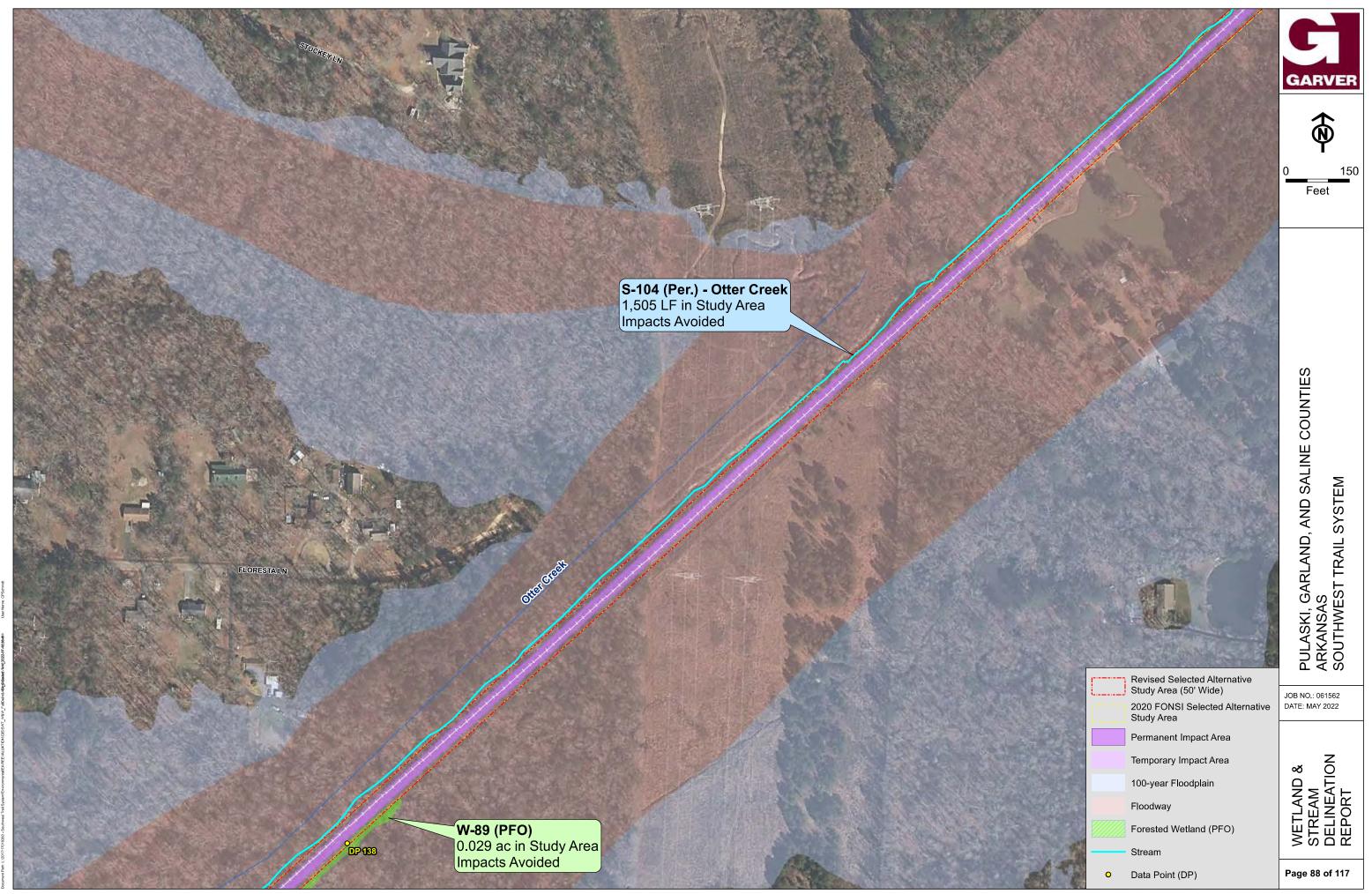
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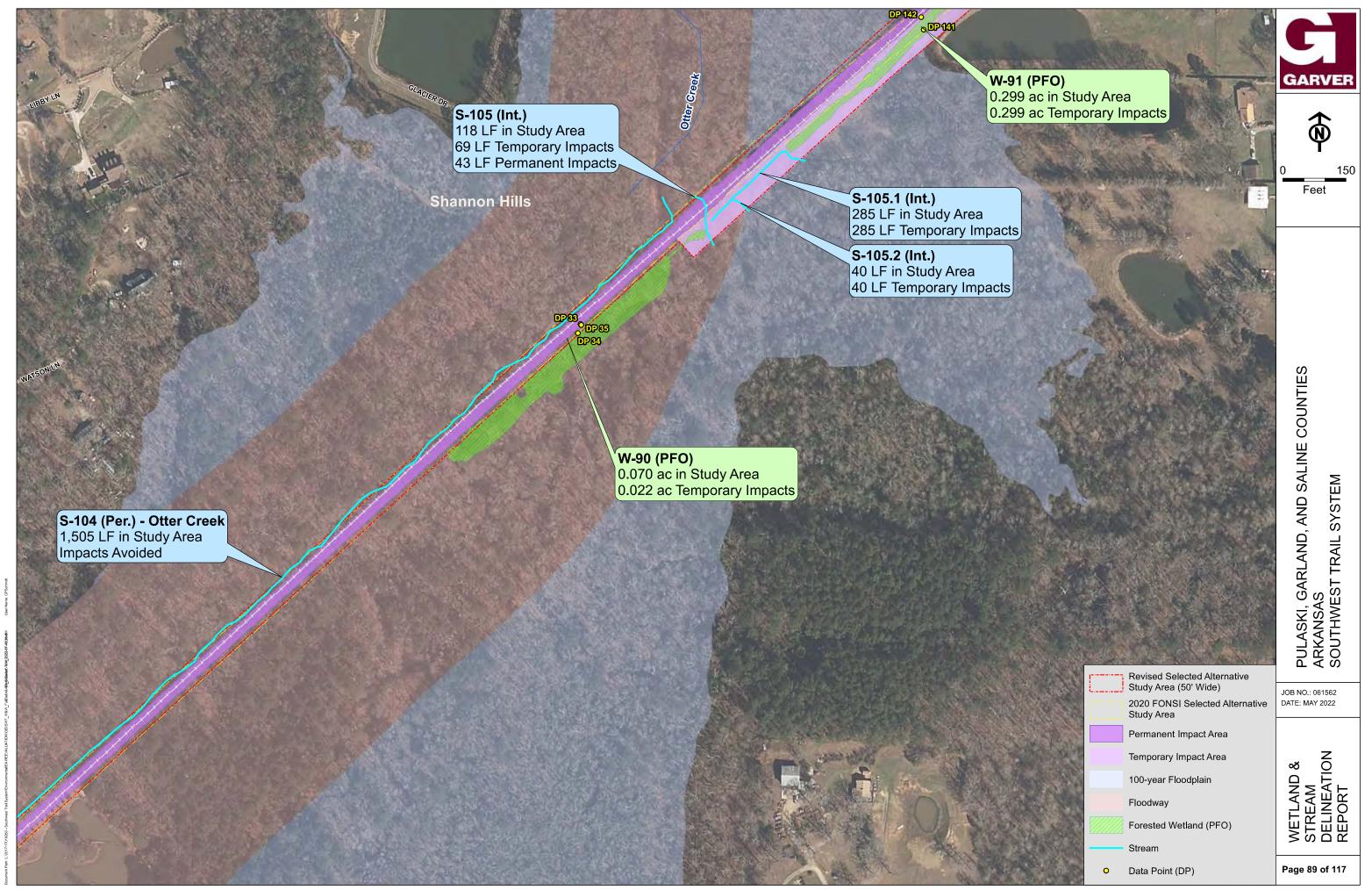
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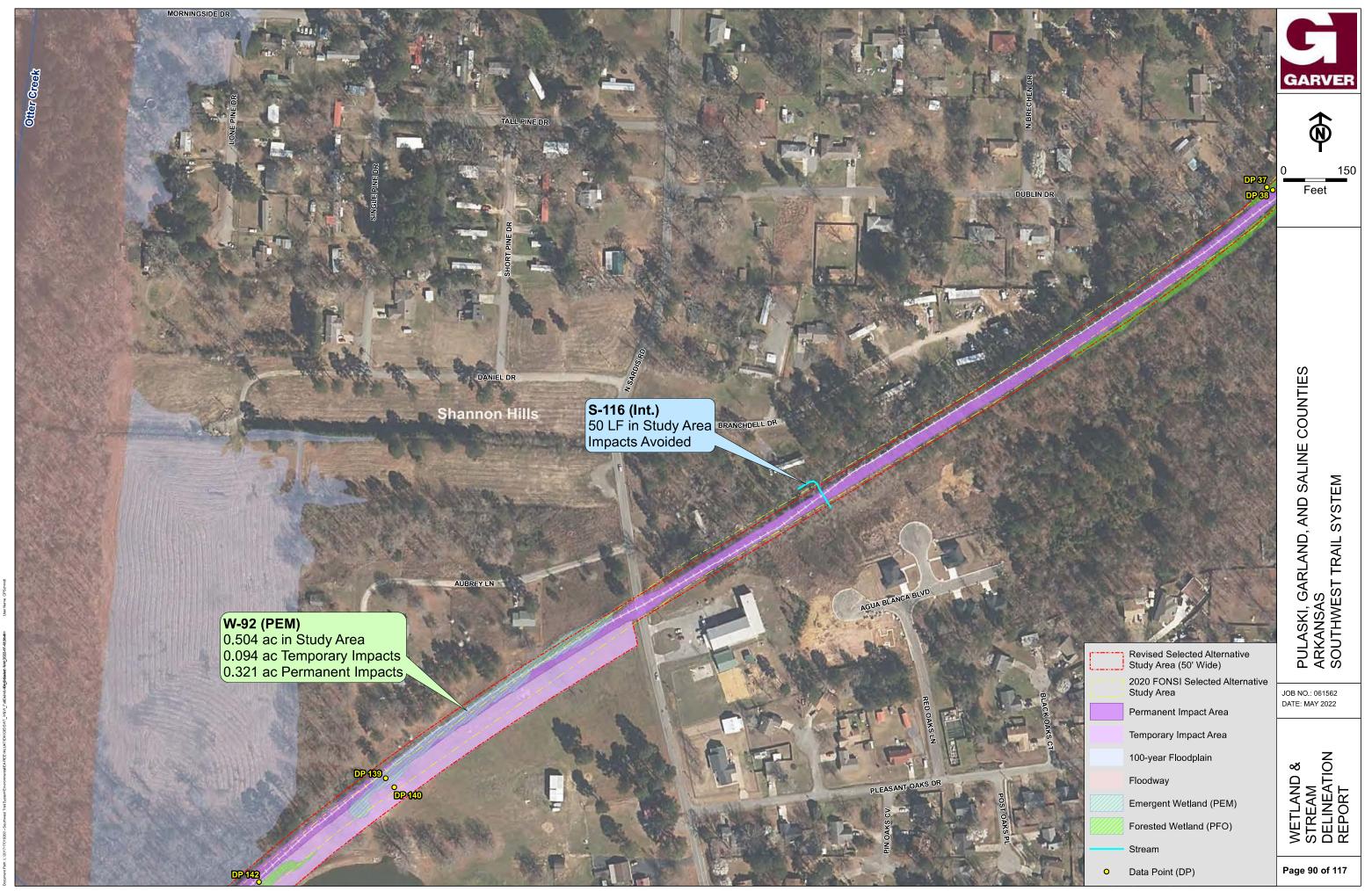
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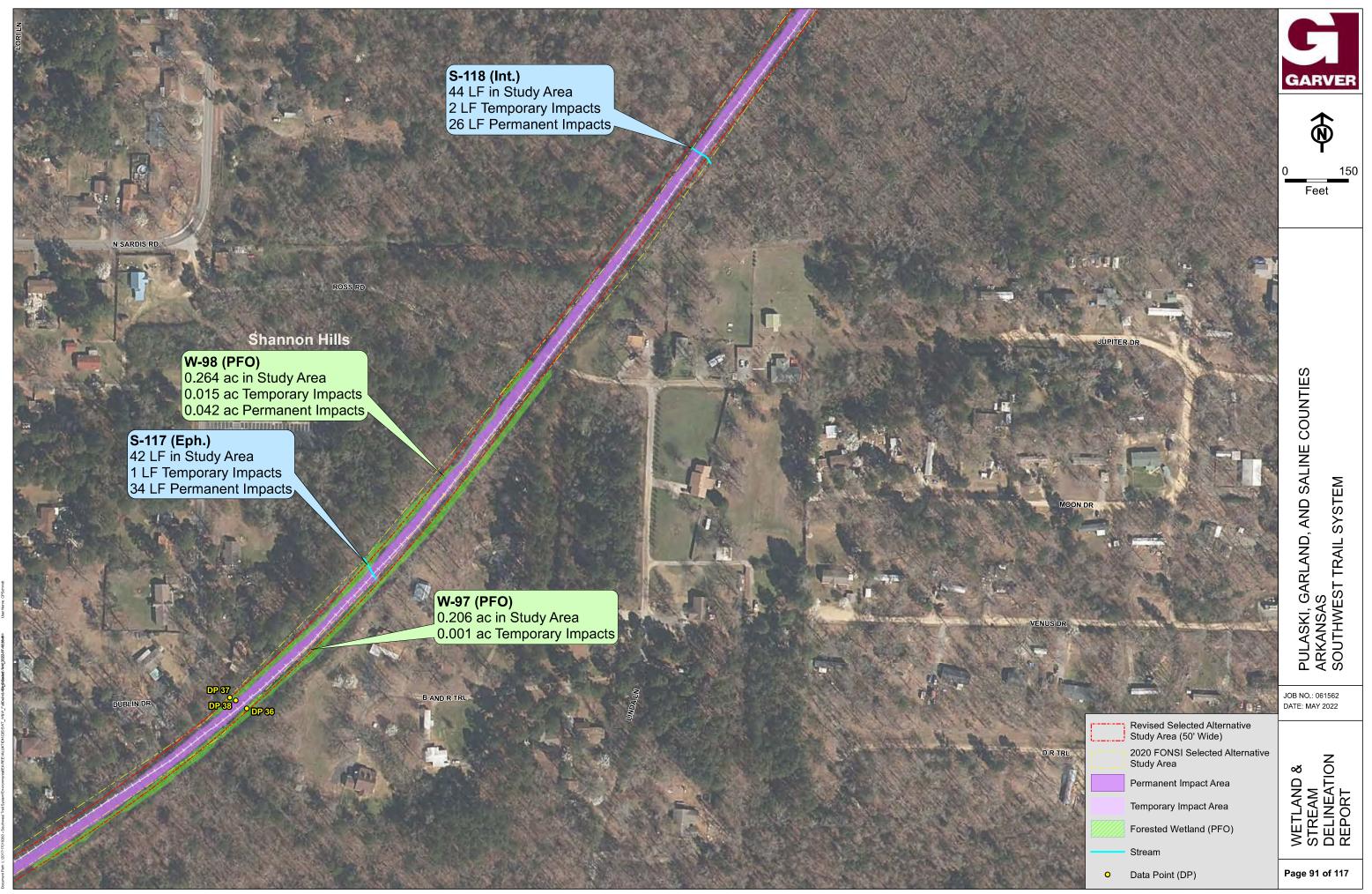
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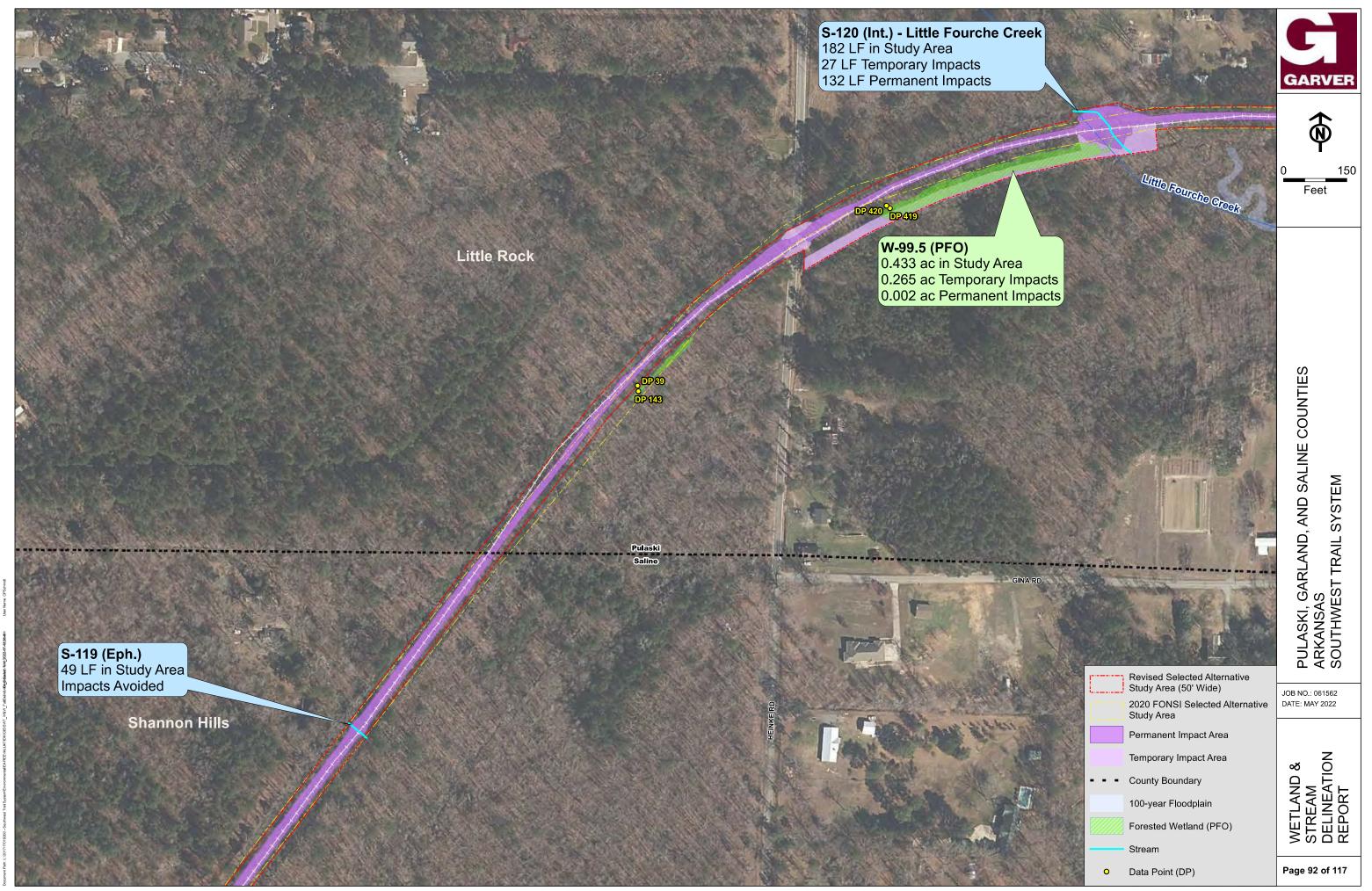
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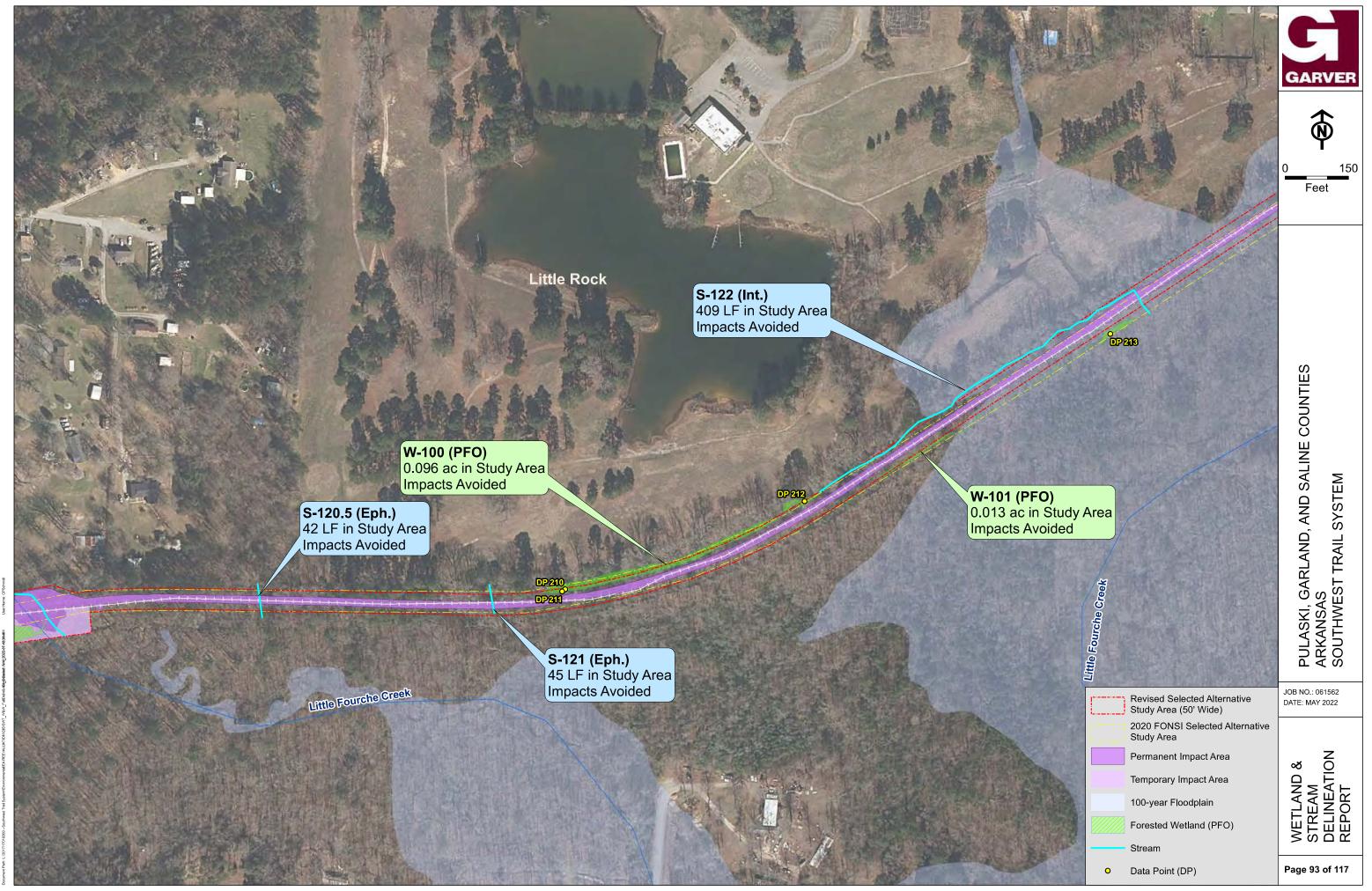
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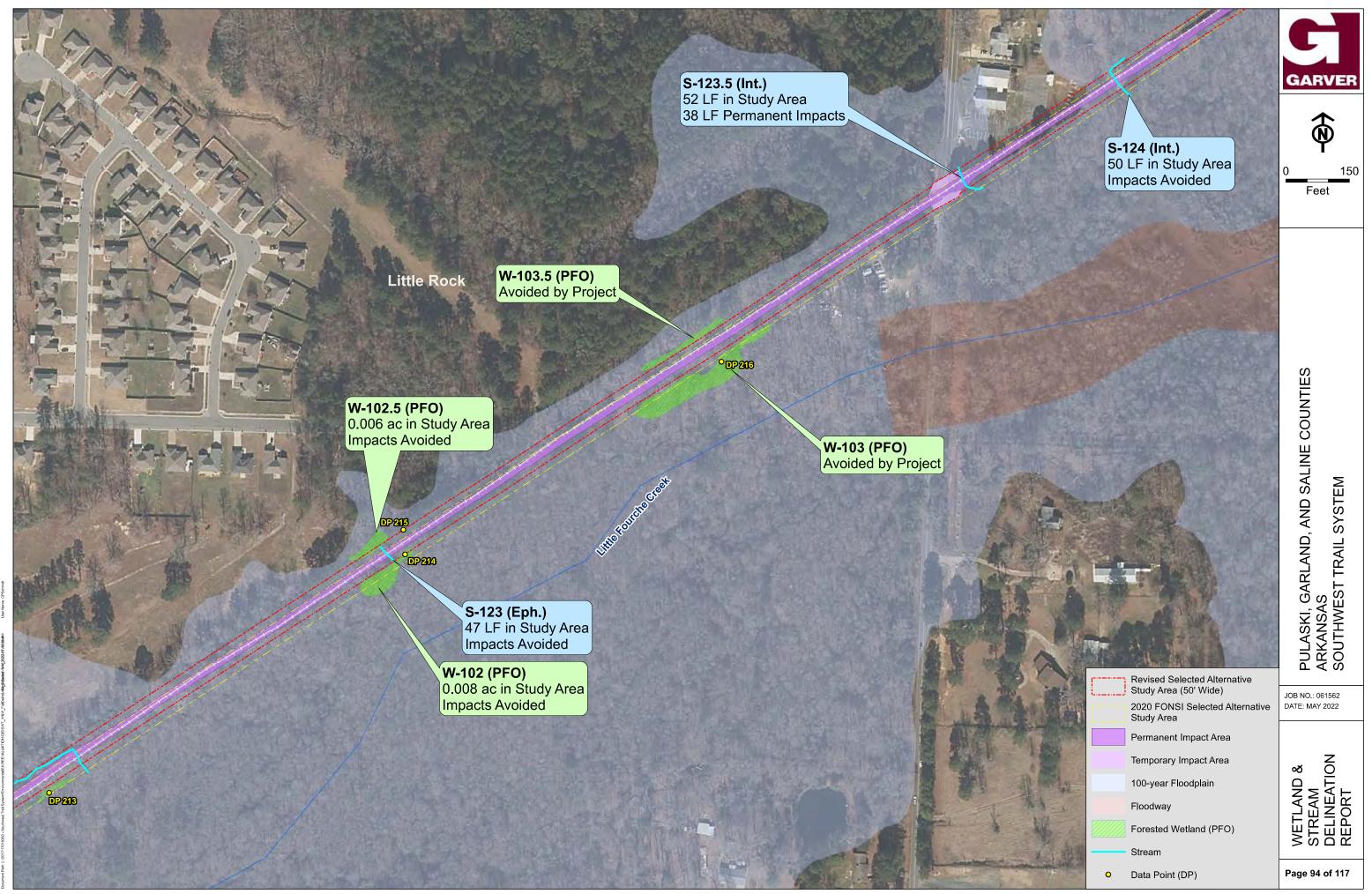
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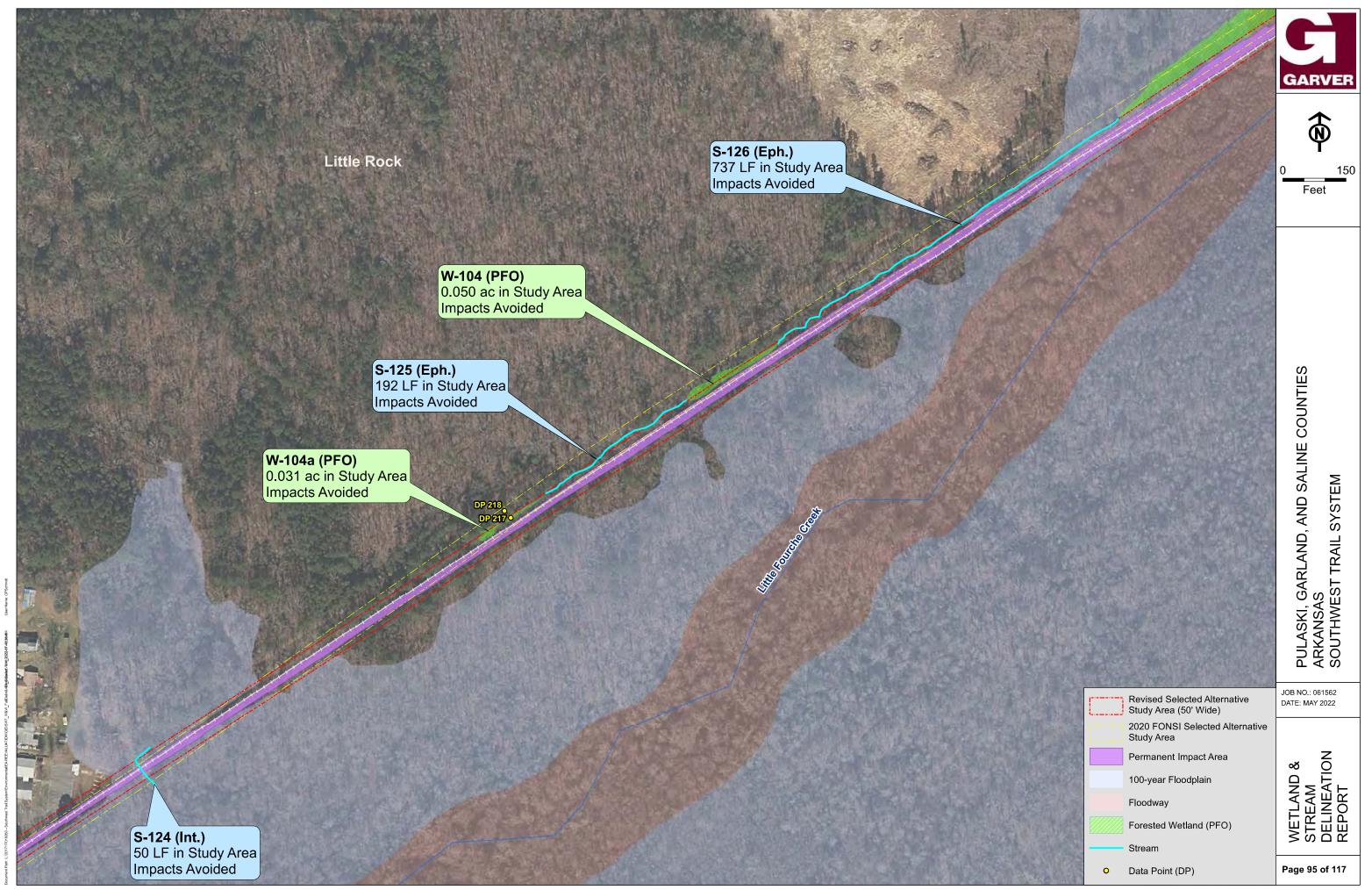
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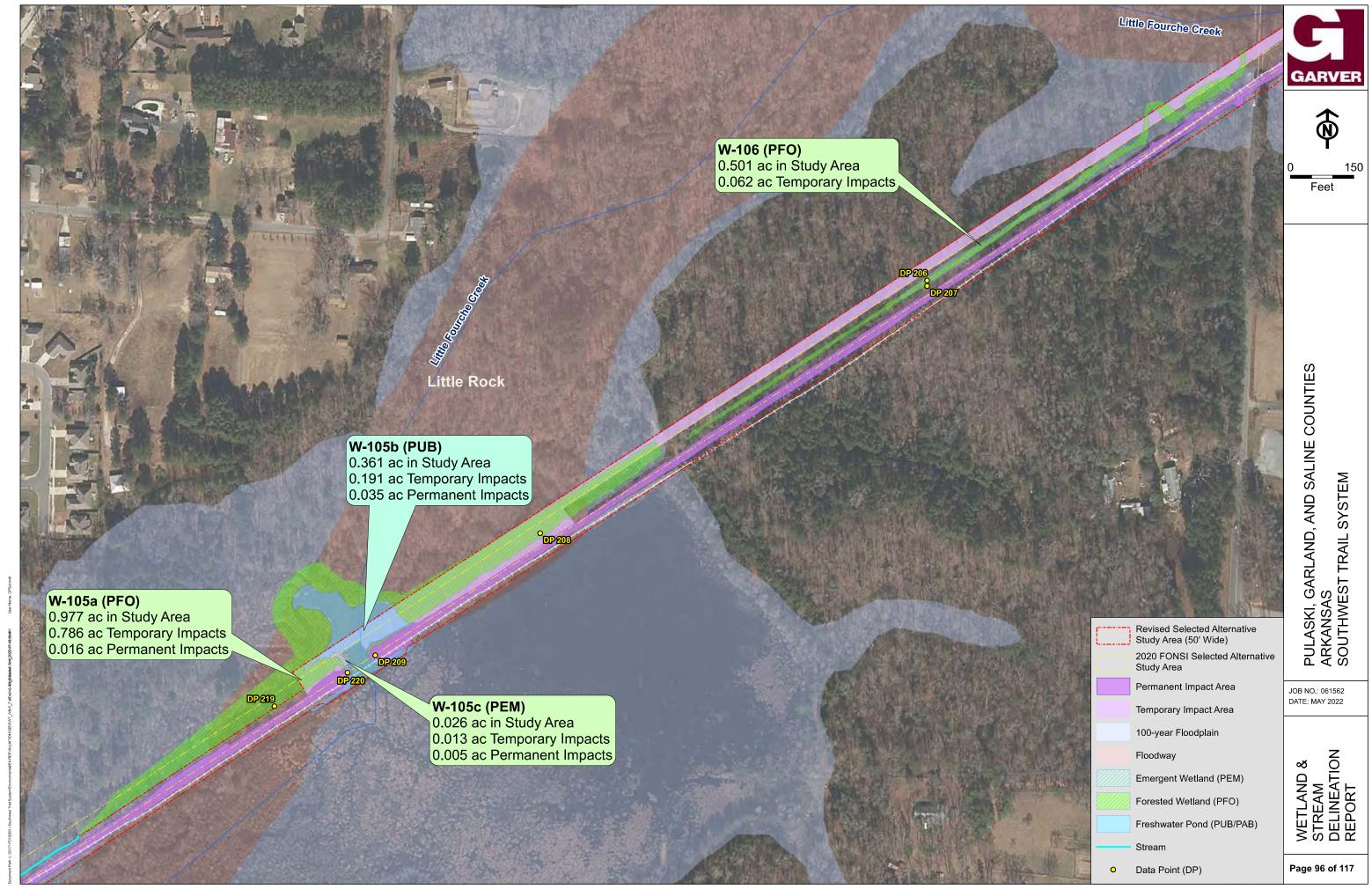
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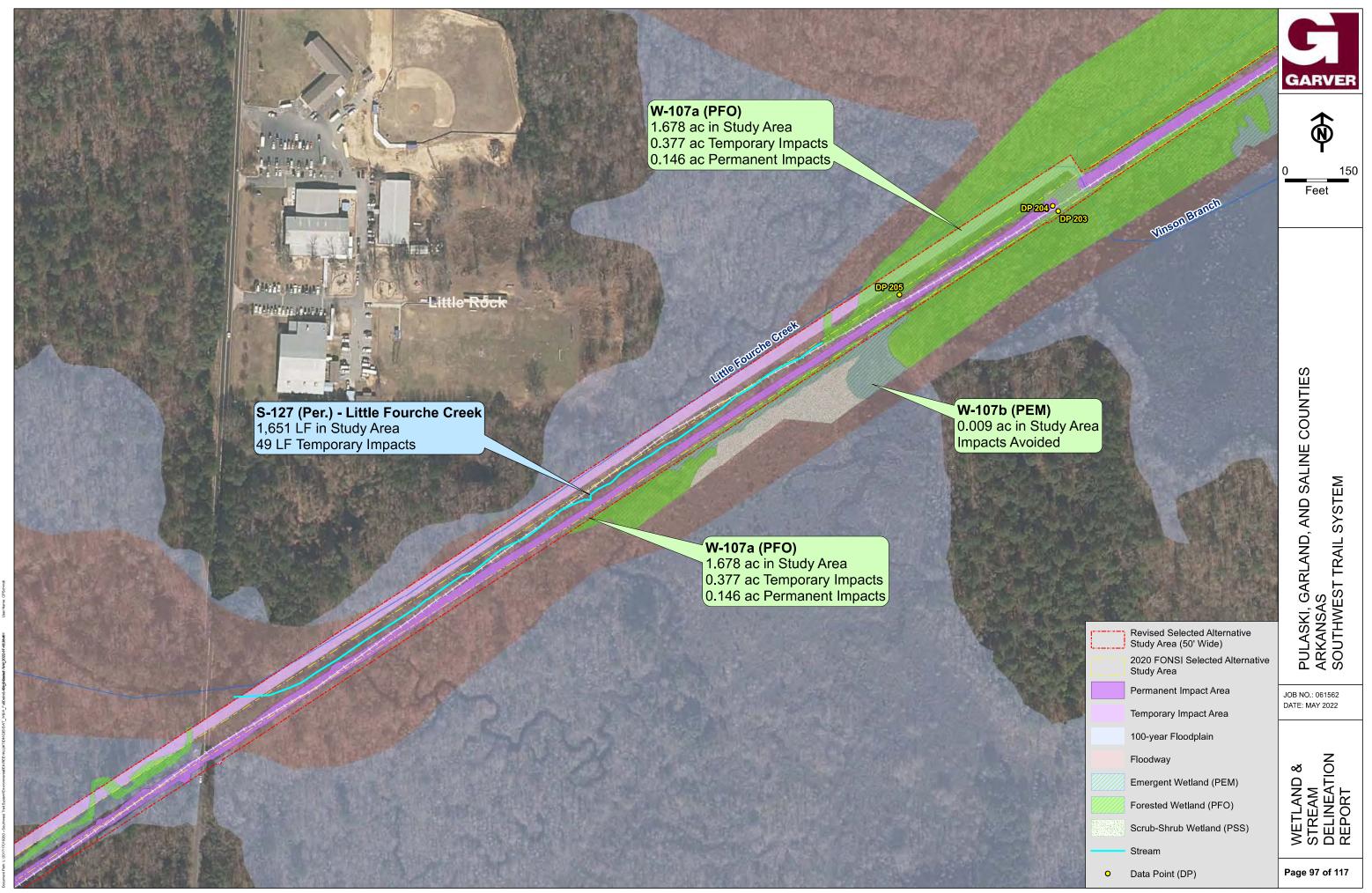
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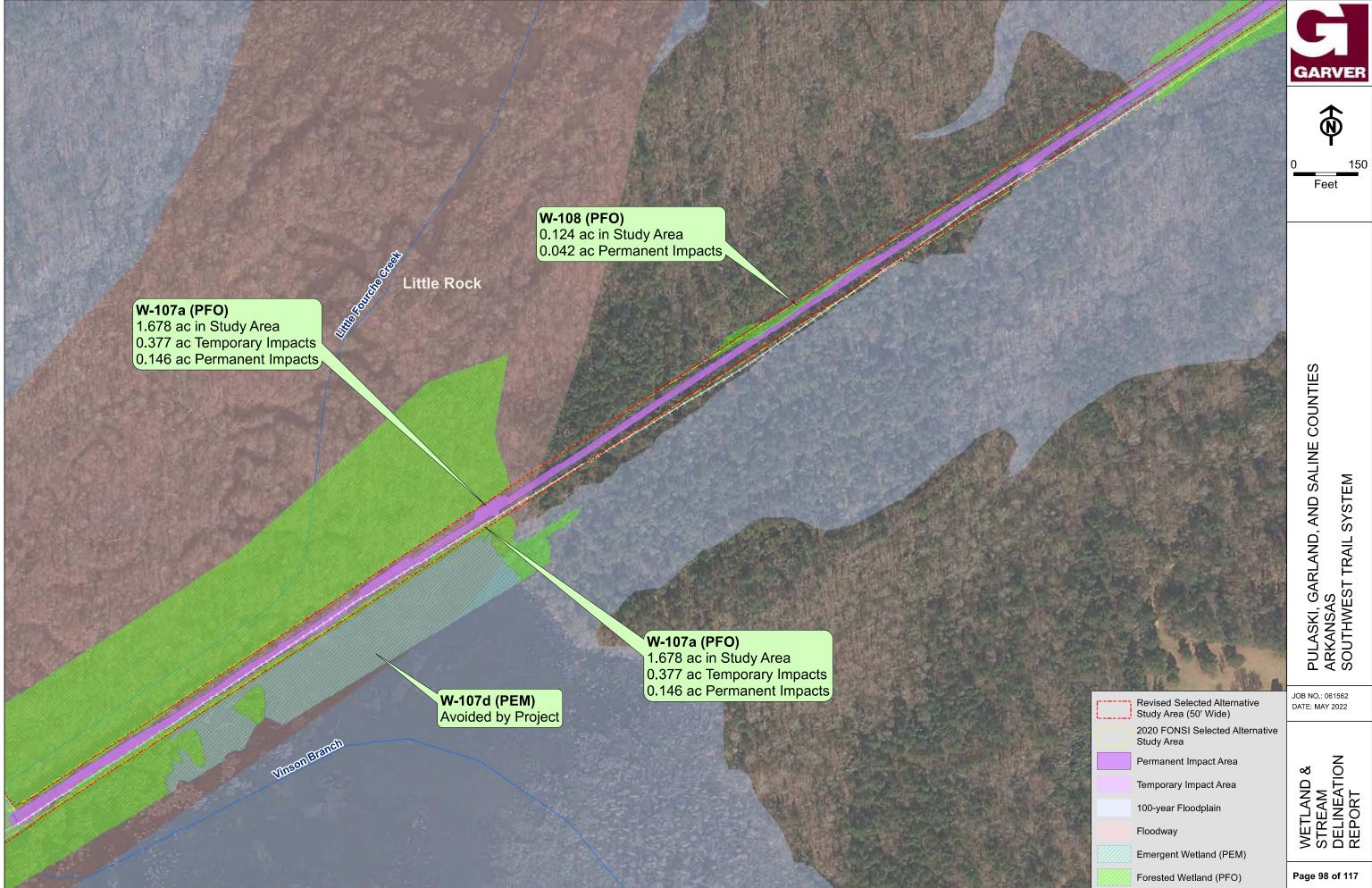
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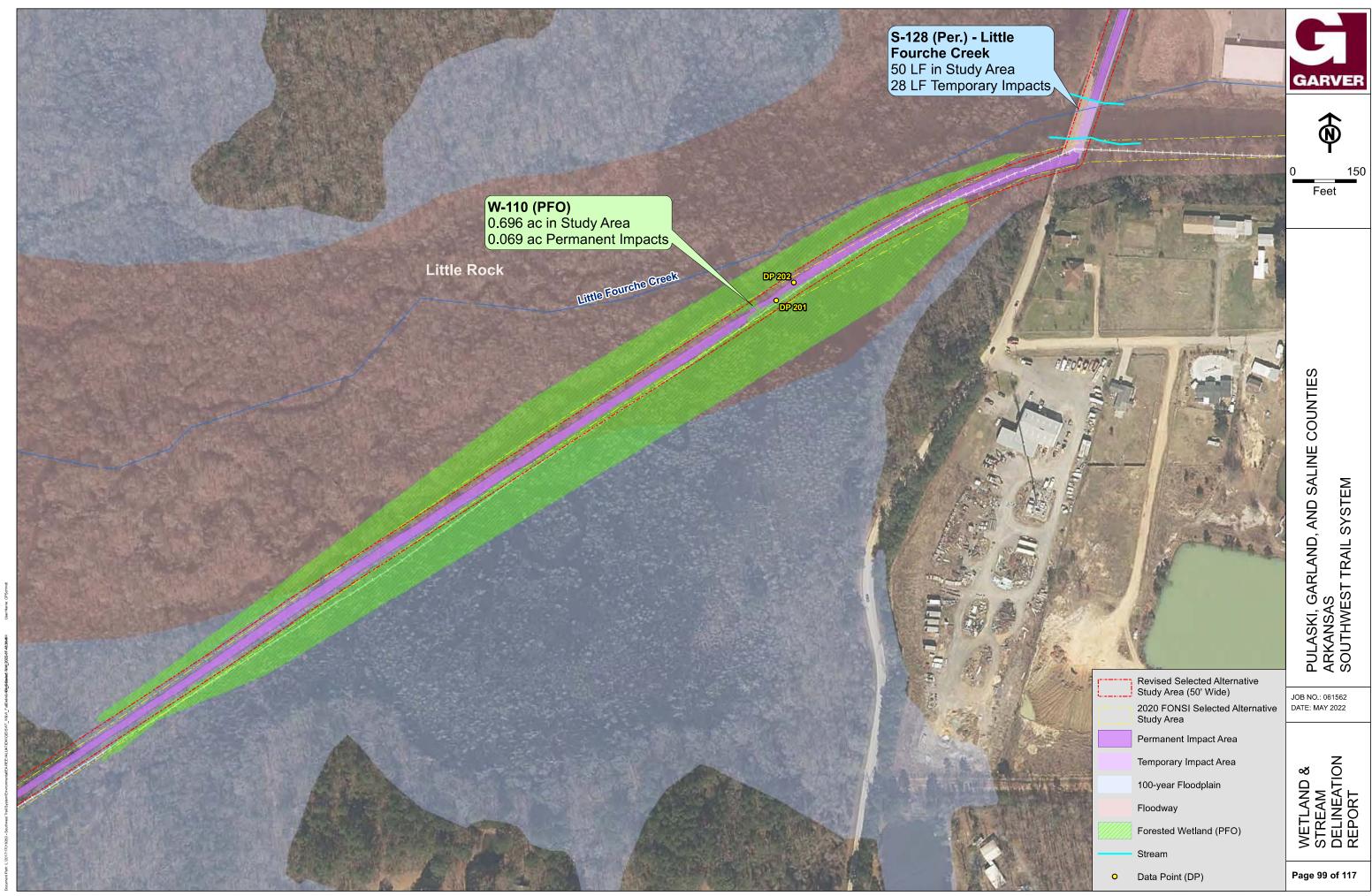


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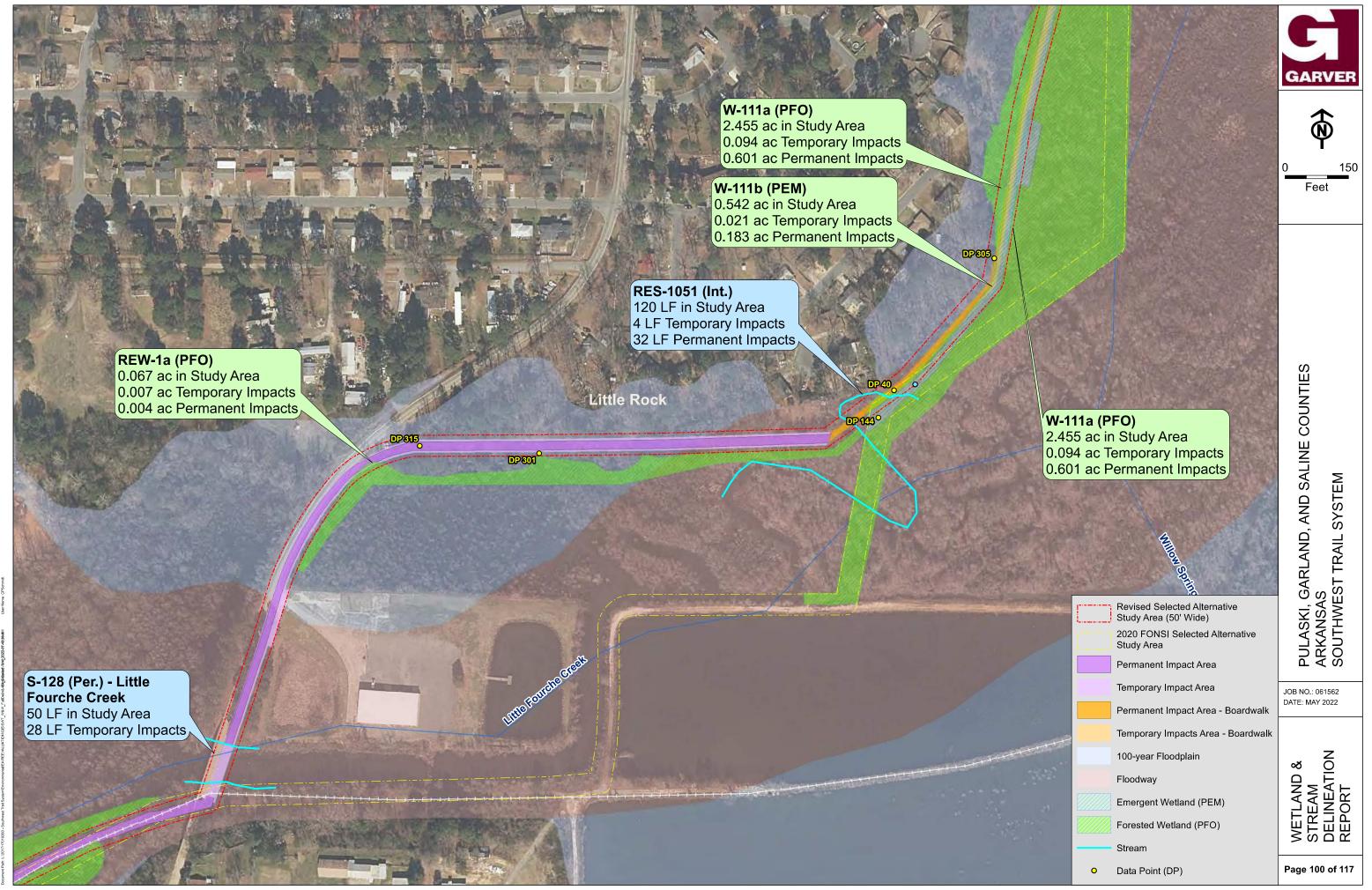


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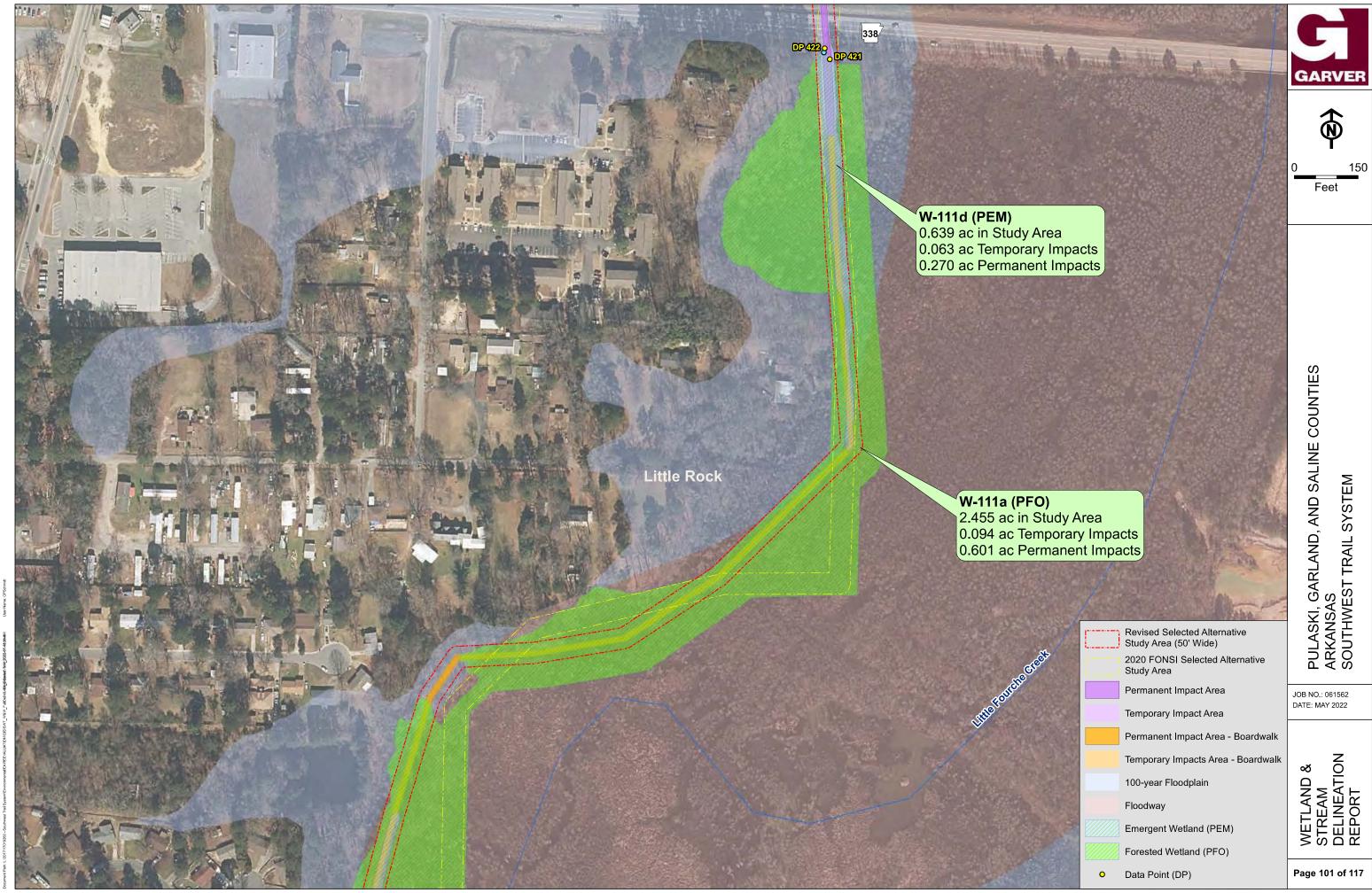
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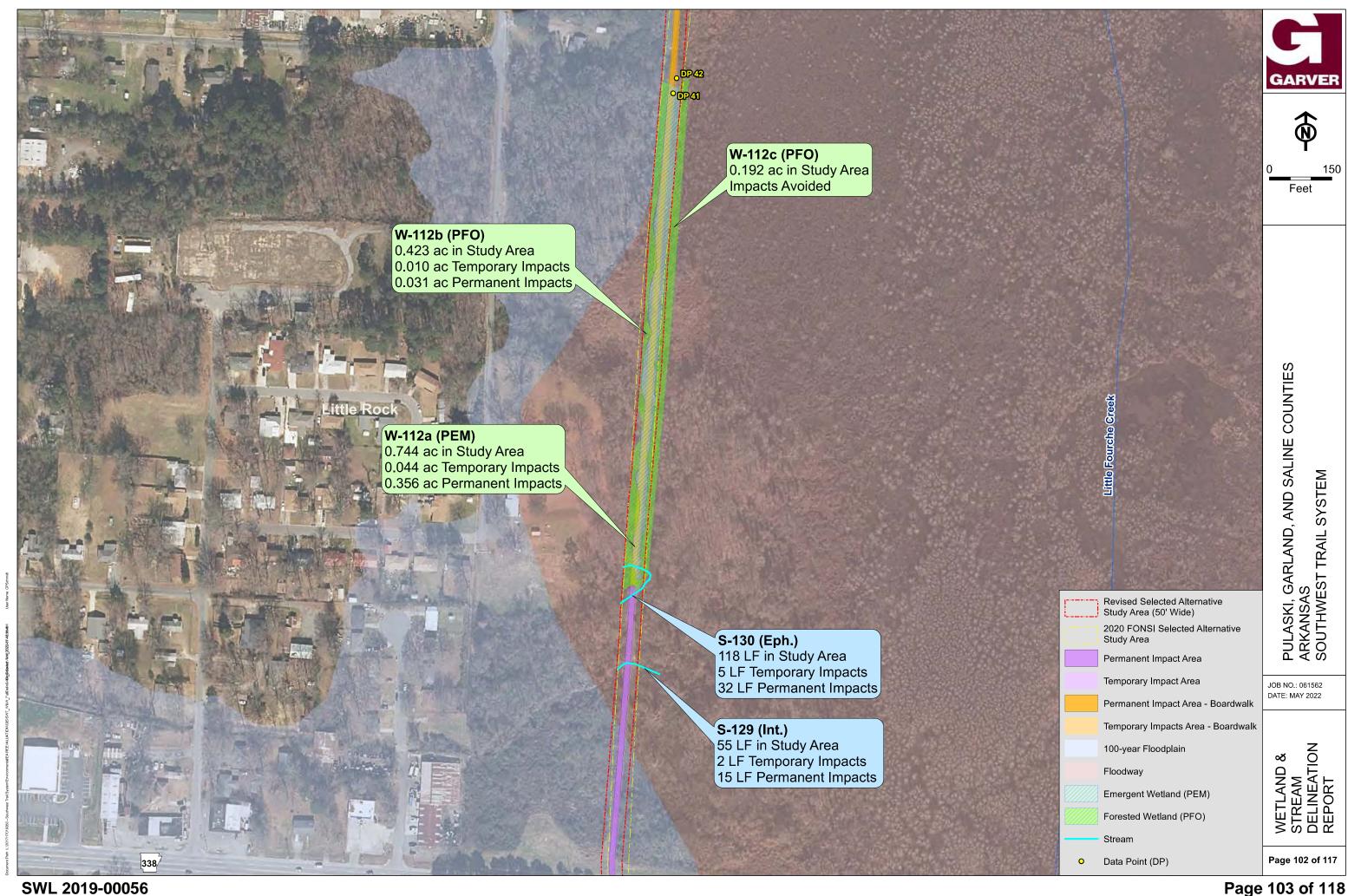


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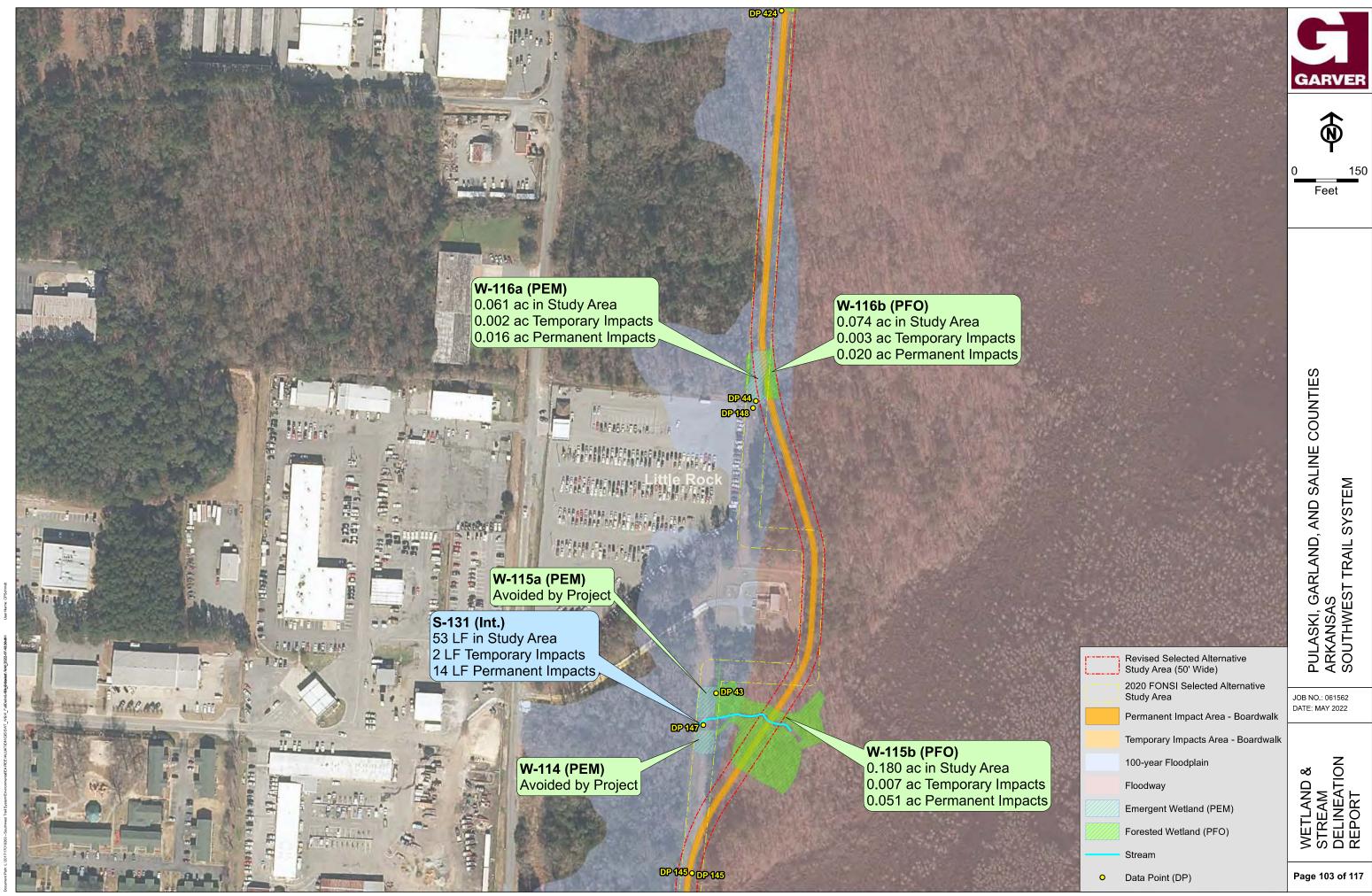


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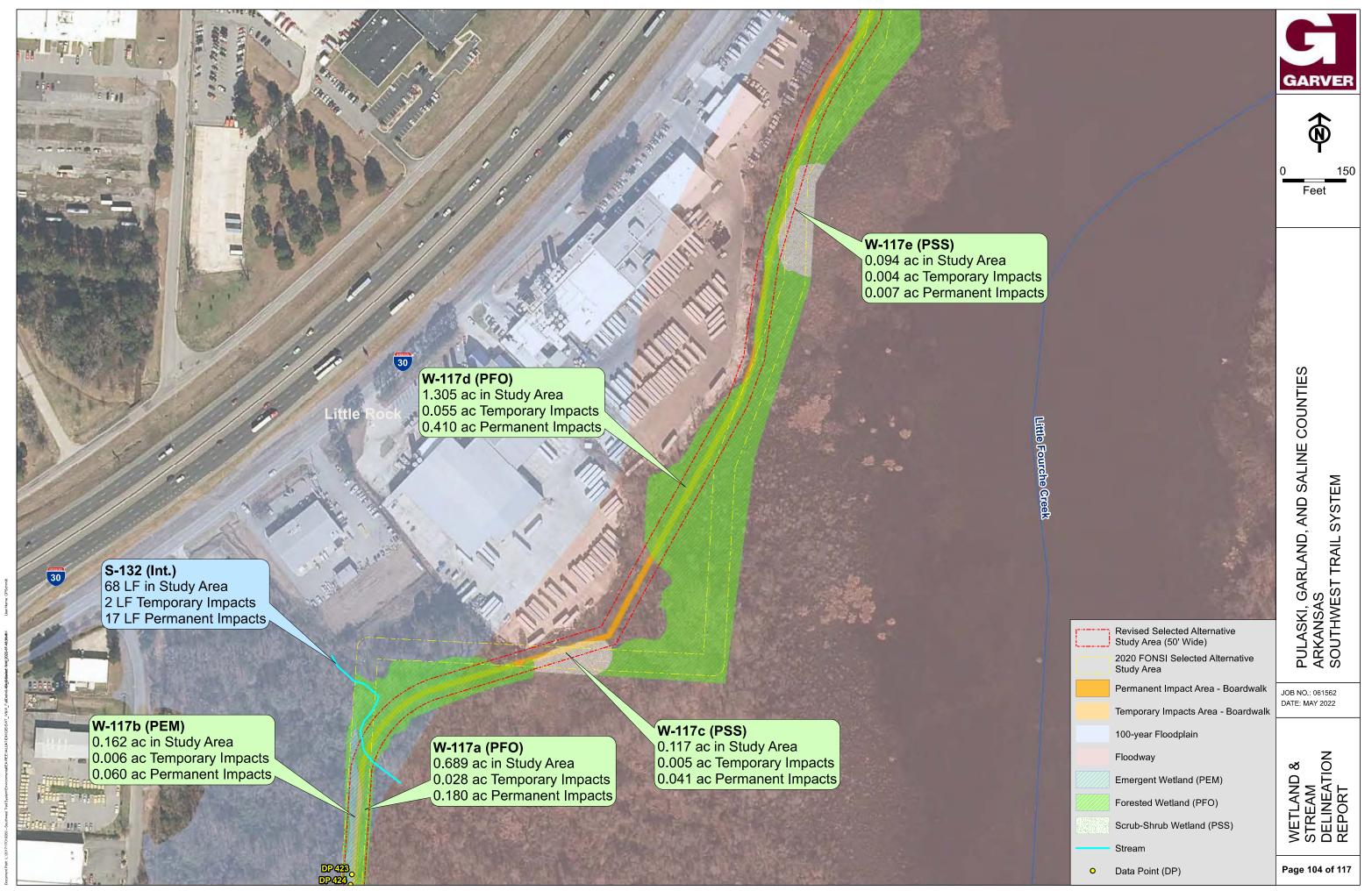
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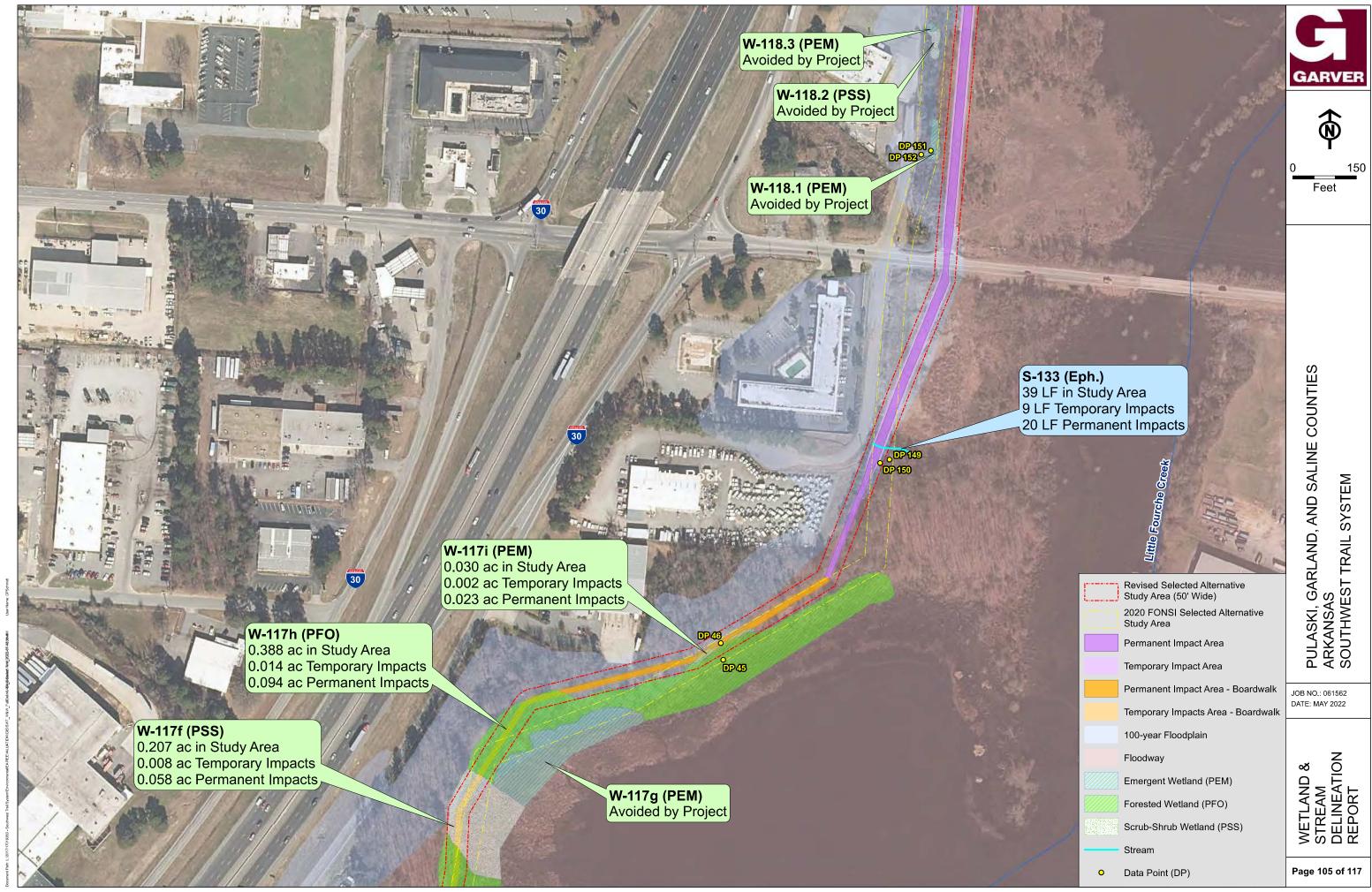
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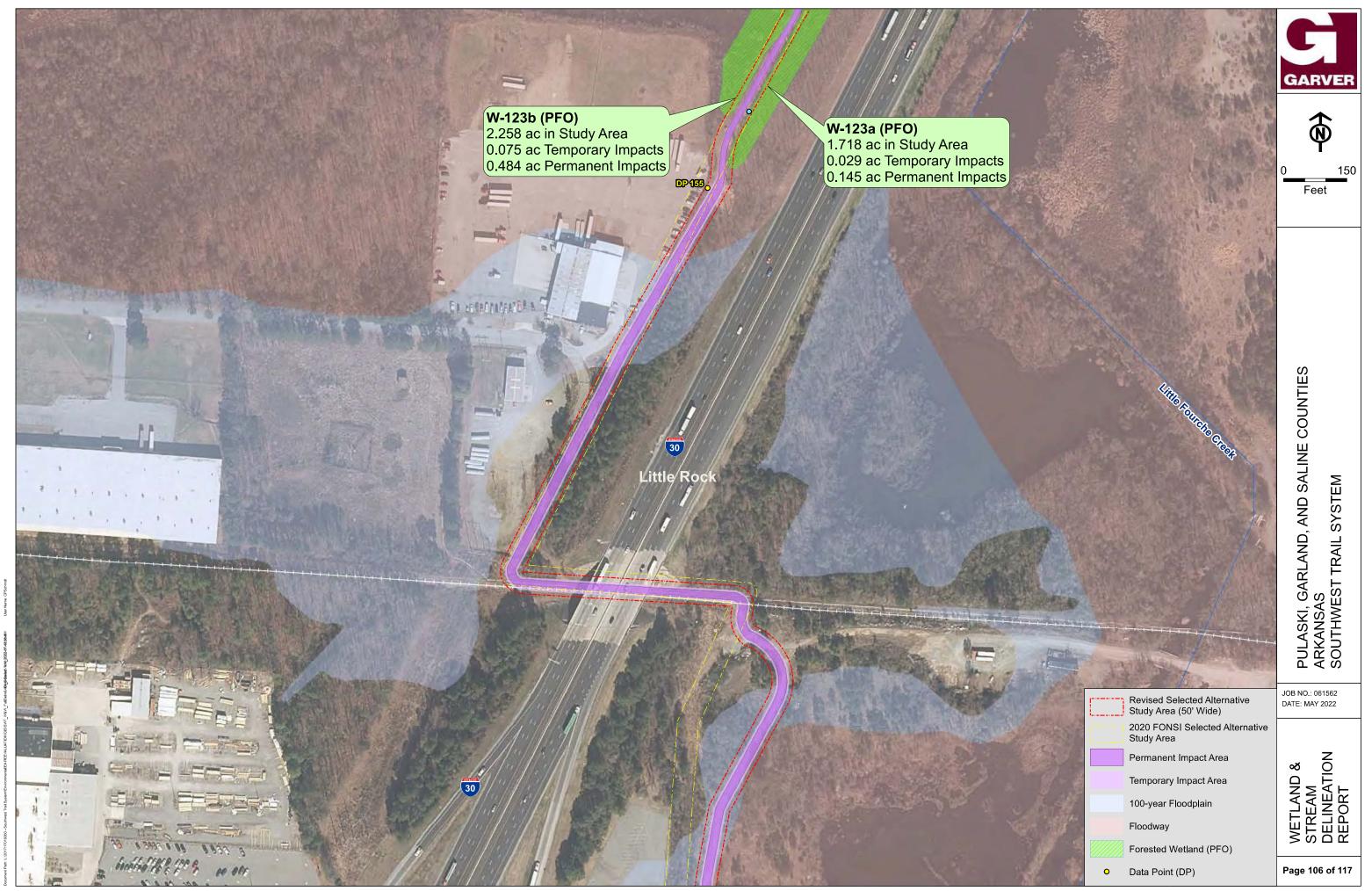
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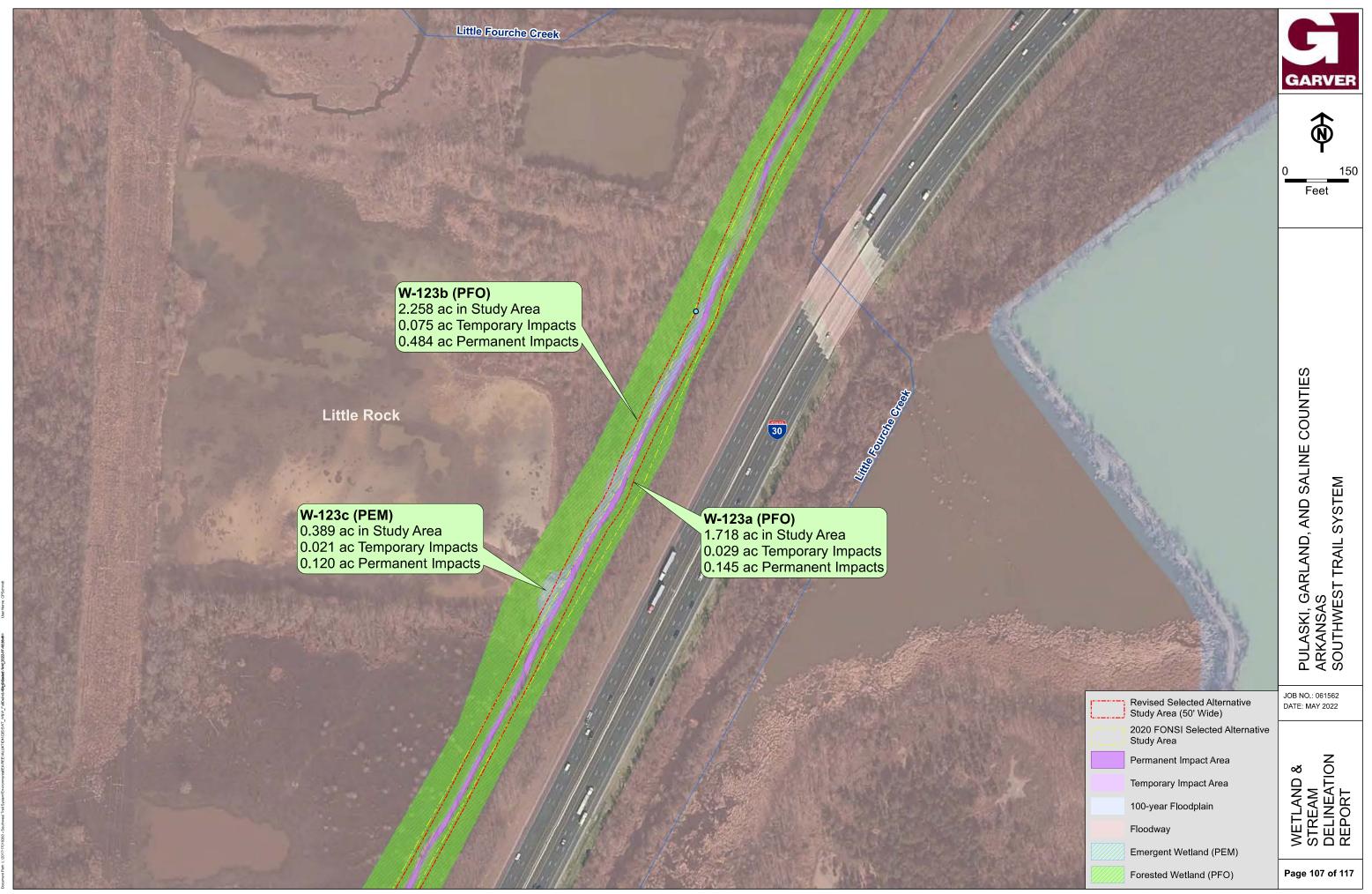


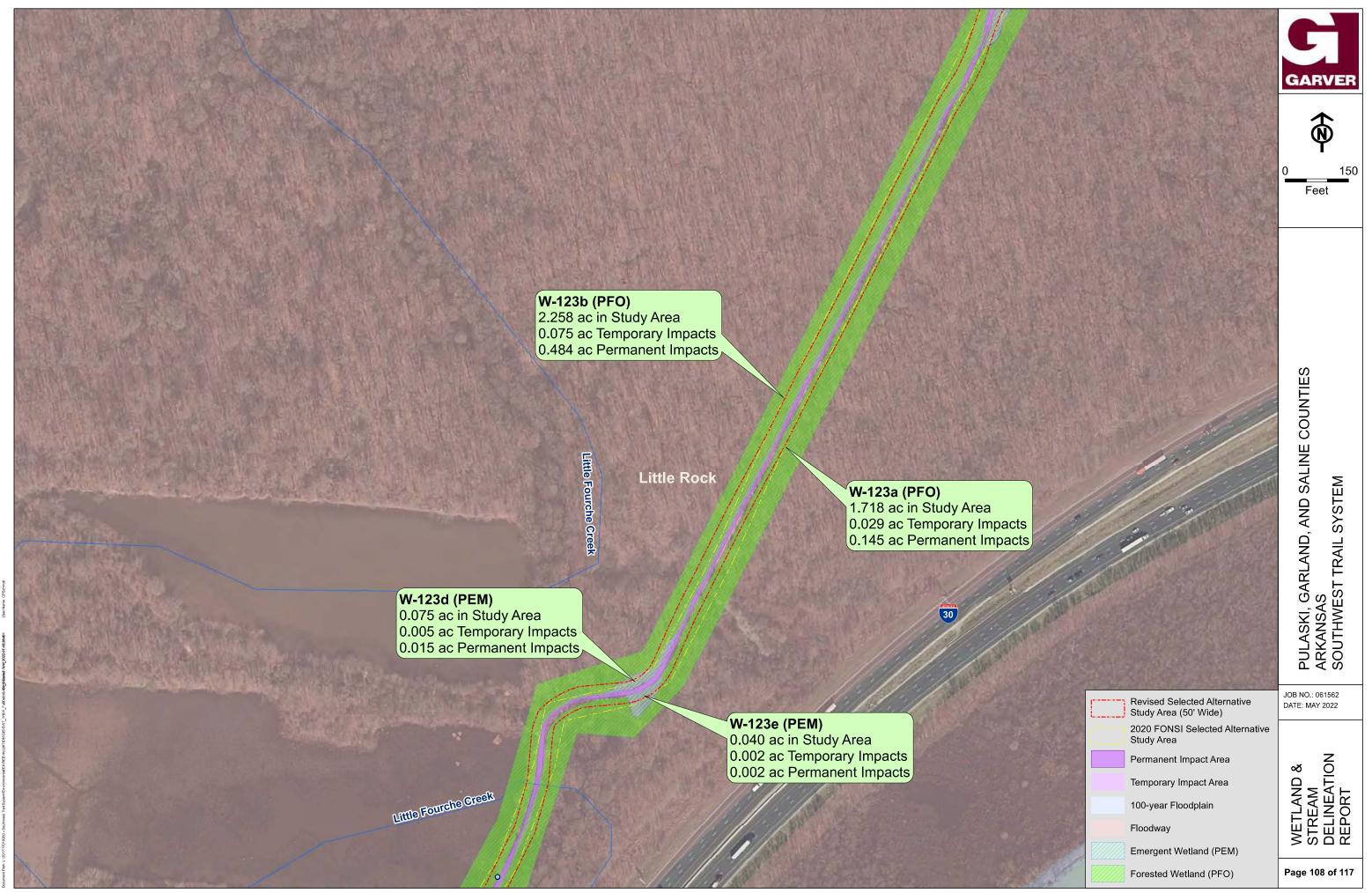
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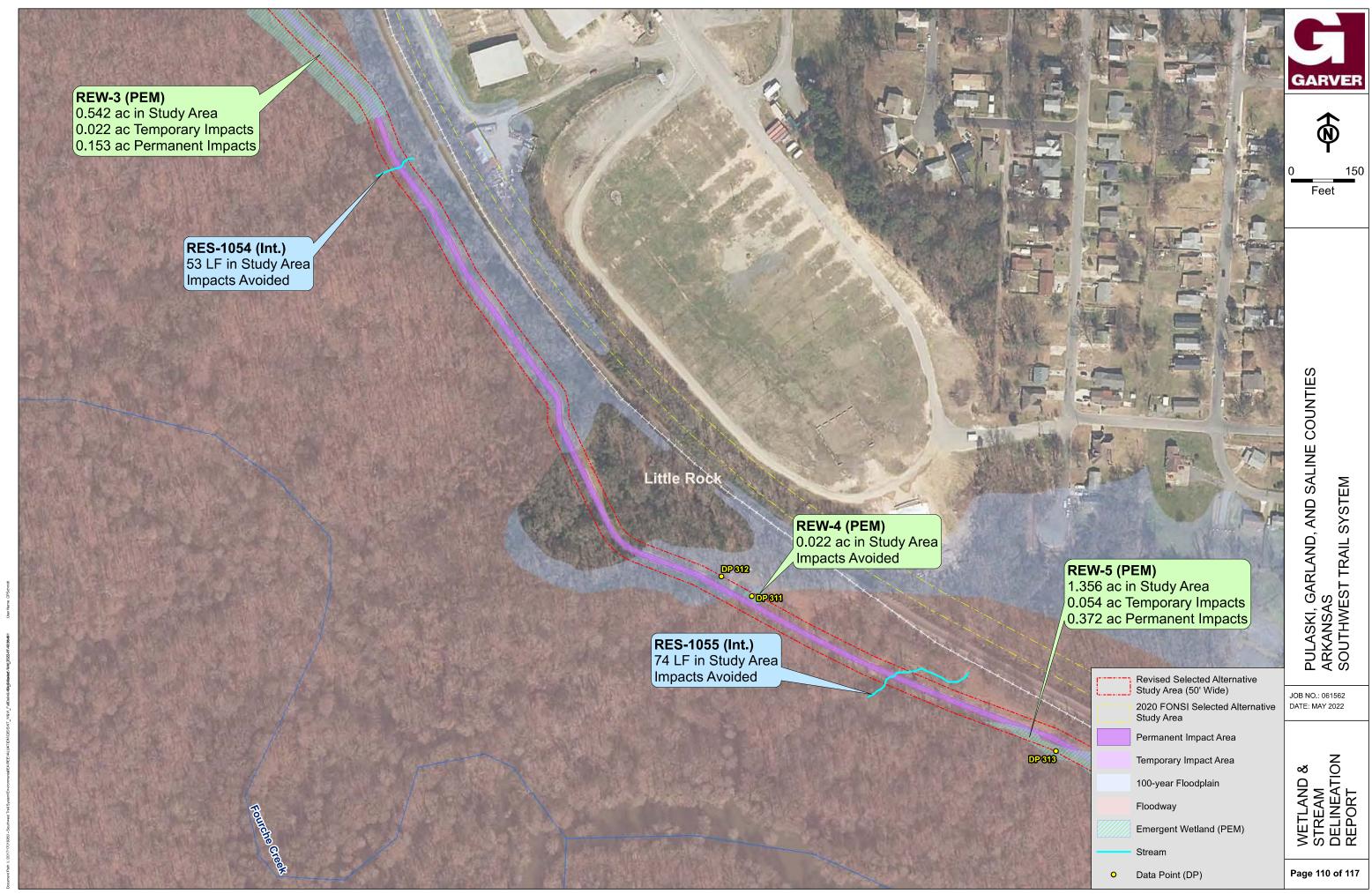




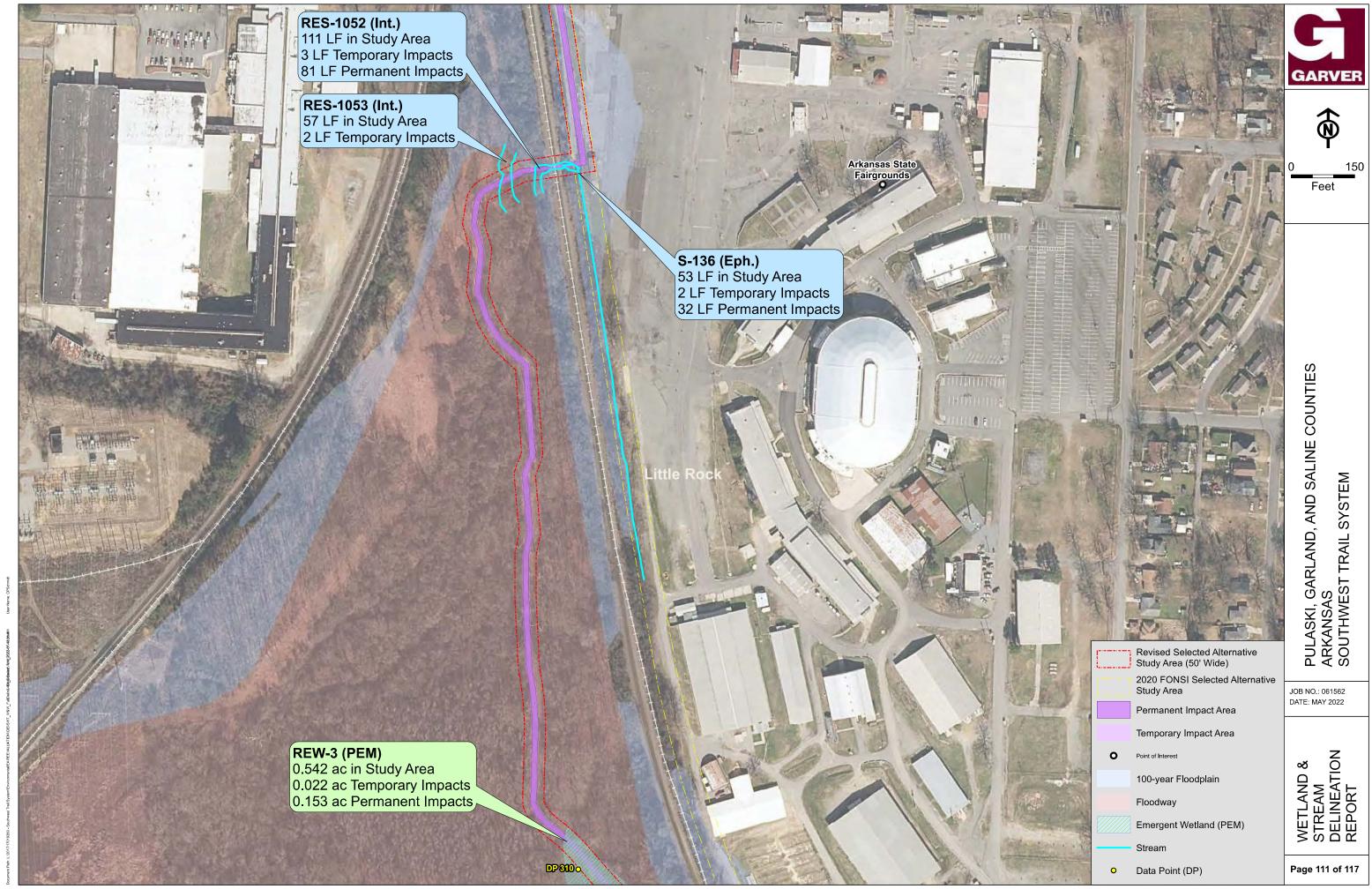




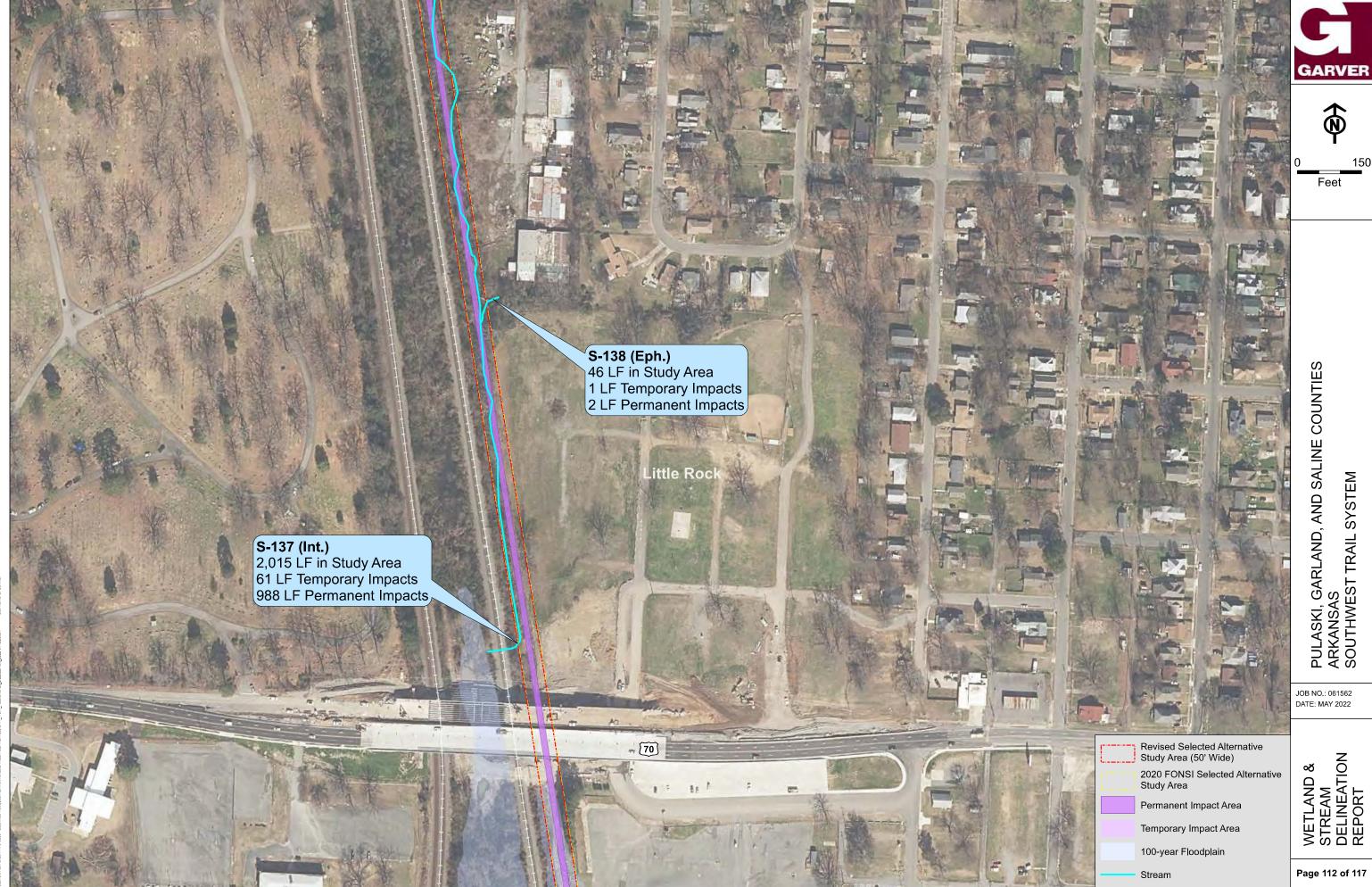
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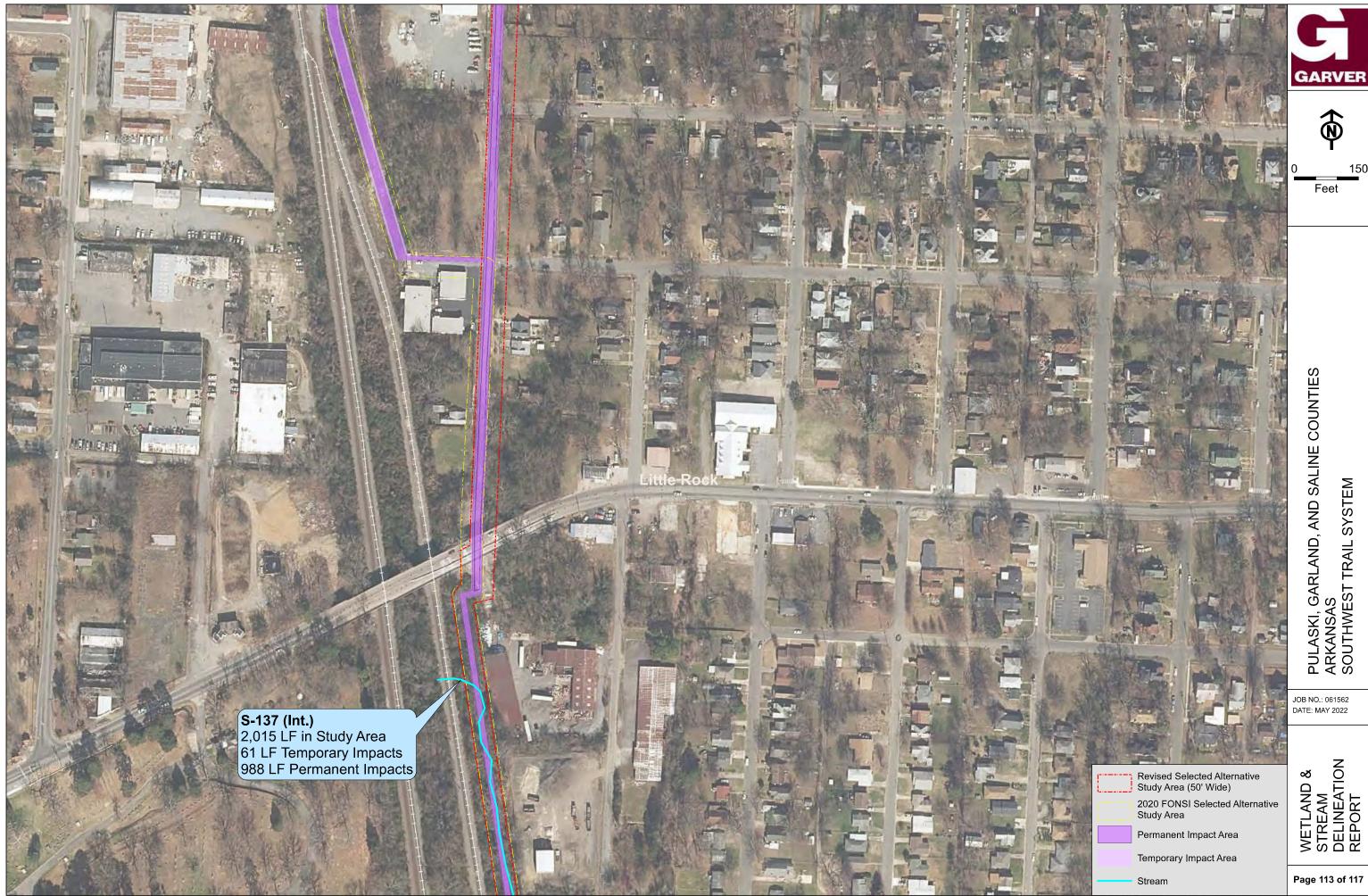
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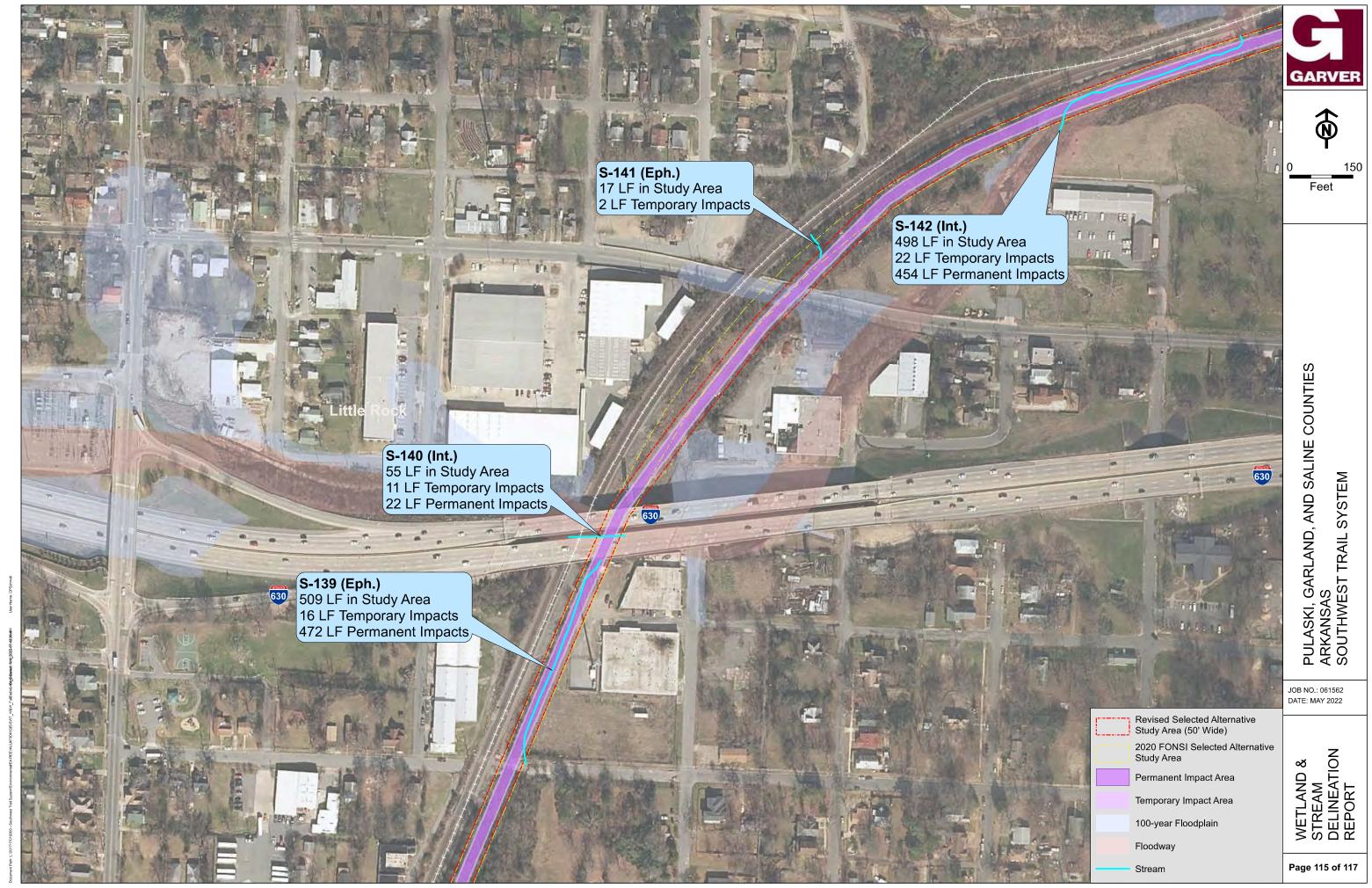
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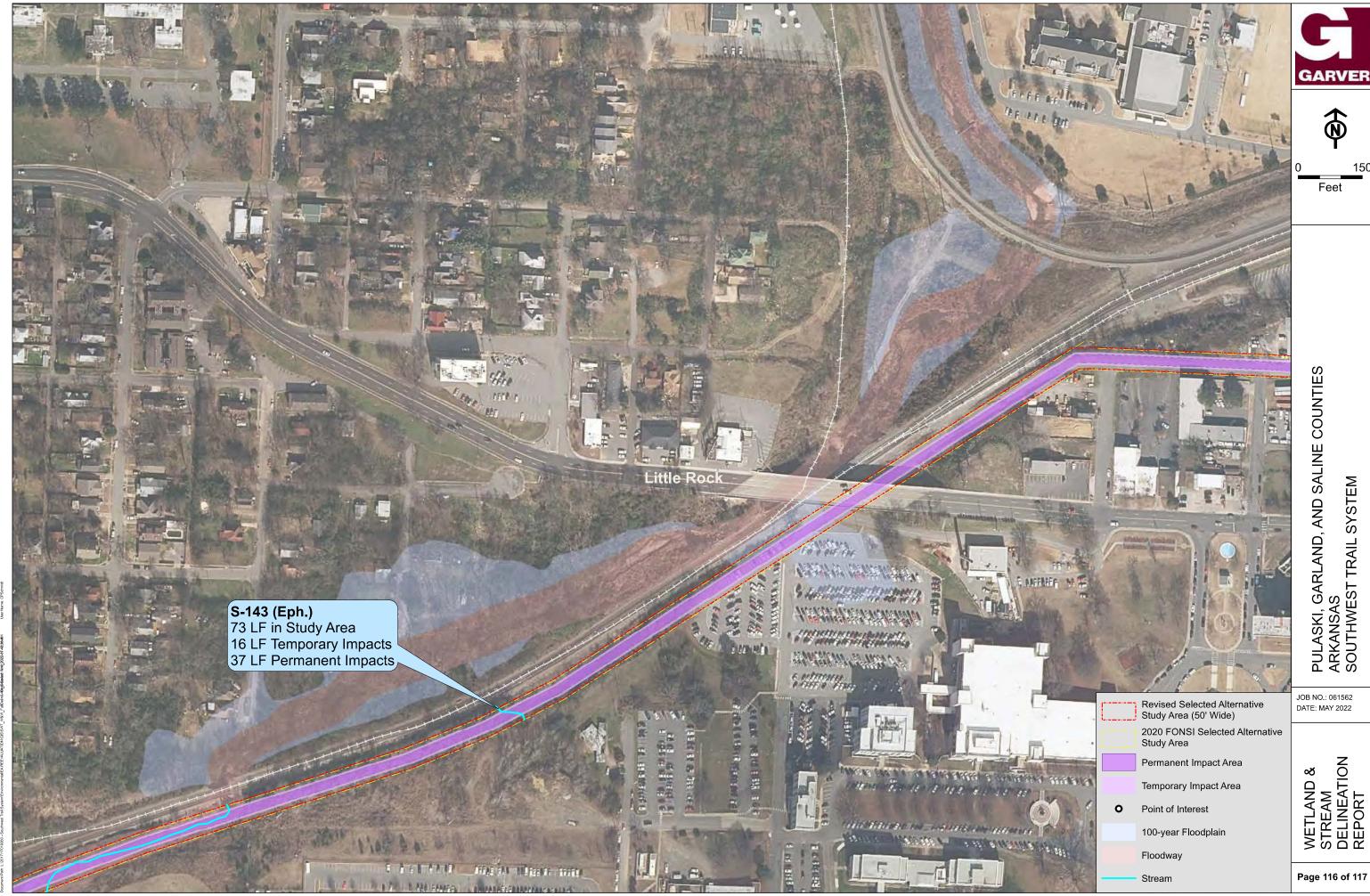
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WETLAND & STREAM DELINEATION REPORT

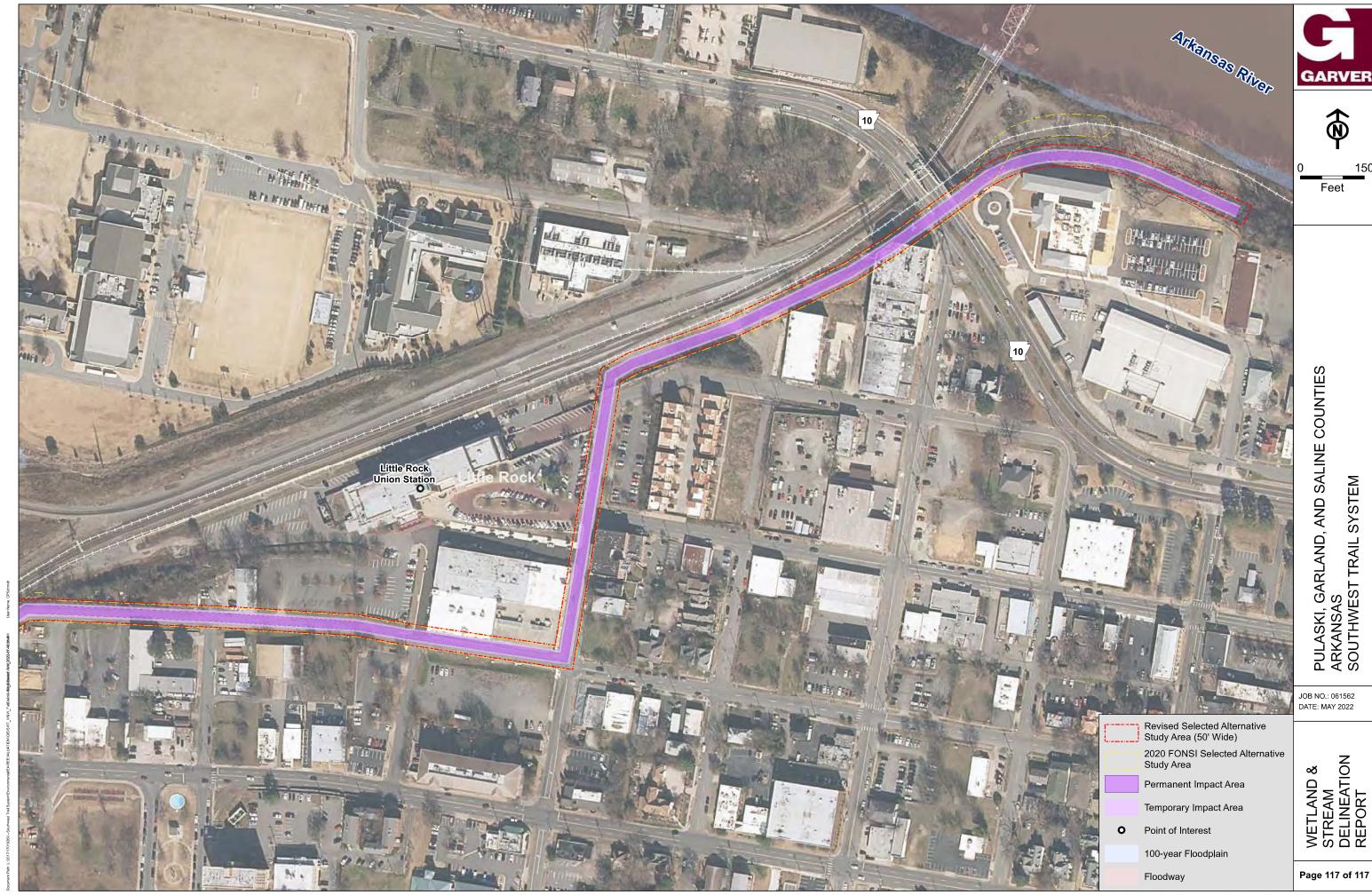
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