



INTEROFFICE MEMORANDUM

February 5, 2018

TO: Master Files

FROM: John Fleming, Division Head, Environmental Division 

SUBJECT: Job Number 020587
FAP Number NHPP-0022(37)
Ables Creek Str. & Apprs.
Bridge Numbers M3122 & M3083
Drew County
Tier 2 Categorical Exclusion

The Environmental Division has reviewed the referenced project and it falls within the definition of a Tier 2 Categorical Exclusion under 23 Code of Federal Regulations, Section 771.117, and the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. A public hearing will not be offered for this project.

The purpose of this project is to replace the bridge over Ables Creek and Cut-Off Creek on Highway 138 in Drew County. The total project length is 0.34 mile. A project location map is attached.

The existing roadway consists of two 10-foot wide paved travel lanes with 4-foot wide shoulders. The existing right of way width averages 150 feet. Information about the existing structures is provided in Table 1.

Proposed improvements include two 11-foot wide paved travel lanes with 6-foot wide shoulders. The new right of way width will average 170 feet. Approximately 0.05 acre of additional right of way will be required for this project. Information about the proposed structures is provided in Table 2.

There are no relocations, prime farmland or environmental justice issues associated with this project. No impacts to cultural resources are anticipated; concurrence from the State Historic Preservation Officer is attached. Field inspections found no evidence of existing underground storage tanks or hazardous waste deposits.

Table 1		
Bridge No.	Stream	Existing Structure Information
M3122	Ables Creek	153' x 24' deck with reinforced concrete channel beams supported by trestle pile bents, and a sufficiency rating of 62.4
M3083	Cut-Off Creek	70' x 24' deck with reinforced concrete channel beams supported by trestle pile bents with timber pilings, and a sufficiency rating of 45.9

Table 2		
Stream	Proposed Structure	Detour Location
Ables Creek	170' x 30' deck with continuous composite W-Beam unit with trestle pile bents	90' upstream
Cut-Off Creek	Double 7' x 7' x 62' reinforced box culvert	75' upstream

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2017	800	4	55 mph
2037	1,000	4	55 mph

Drew County participates in the National Flood Insurance Program. The project lies within Zone A, Special Flood Hazard Area. The final project design will be reviewed to confirm that the design is adequate and that the potential risk to life and property are minimized. Adjacent properties should not be impacted nor have a greater flood risk than

existed before construction of the project. None of the encroachments will constitute a significant floodplain encroachment or a significant risk to property or life.

The U.S. Fish and Wildlife Service Information for Planning and Consultation website lists *Geocarpon minimum*, an unnamed plant, as potentially occurring at or near the project location. The proposed project area has no suitable habitat for this species, and a 'no effect' determination was made. The official species list is attached.

Temporary impacts to bottomland hardwood wetlands, due to construction of the detour road at Ables Creek and Cut-Off Creek are estimated at 0.5 acre. Stream impacts resulting from the two bridge replacements are estimated to be less than 0.1 acre. The ARDOT proposes the use of 6.5 wetland credits to mitigate the 0.5 acre of wetland impacts. The wetland credits will be purchased from a US Army Corps of Engineers approved mitigation bank. Construction of the proposed project should be allowed under the terms of a Nationwide Permit 23 for Approved Categorical Exclusions as defined in Federal Register 82 (4):1860-2008.

Based upon the ARDOT's *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. This project does not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway, or exposure of noise sensitive land uses to a new or existing highway noise source.

Attachments:

Project Location Map
SHPO Clearance
USFWS Species List
Environmental Study Checklist
Design Sheets

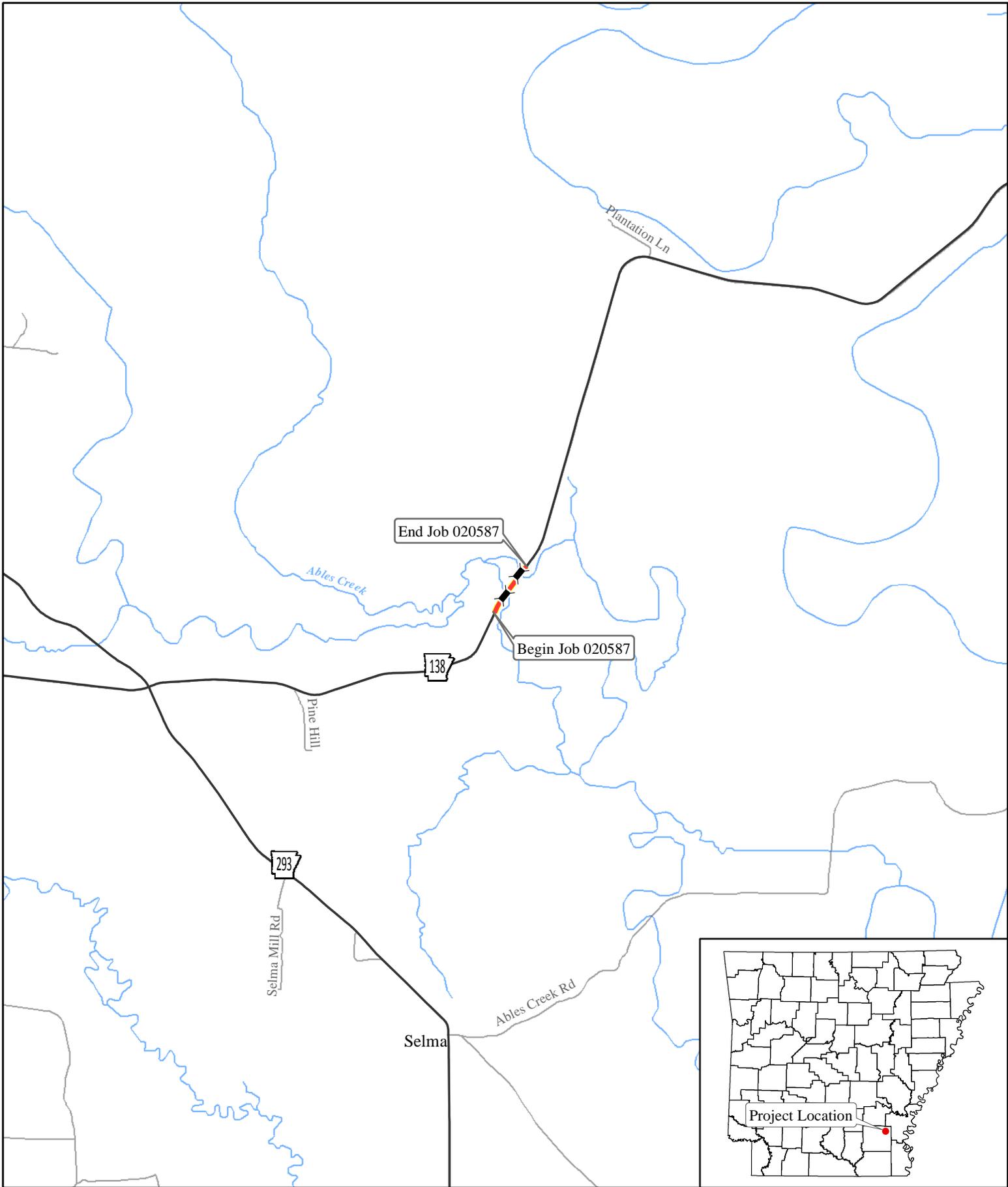
Approved:



Kevin Thornton
Assistant Chief Engineer-Planning

JF:JB:fc

c: Program Management
Right of Way
Roadway Design
District 2
FHWA



Job 020587
 Ables Creek Str. & Apprs.
 (Hwy. 138)
 Drew County

 Project Location



THE DEPARTMENT OF ARKANSAS
HERITAGE

Asa Hutchinson
Governor

Stacy Hurst
Director

June 1, 2017

Mr. John Fleming
Division Head
Environmental Division
Arkansas State Highway and Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RECEIVED
AHTD

JUN 06 2017

ENVIRONMENTAL
DIVISION

RE: Drew County – General
Section 106 Review – FHWA
Request for Technical Assistance
AHTD Job Number 020587
Ables Creek Strs. & Apprs. (S)
AHPP Tracking Number 96728.01

Dear Mr. Fleming:

This letter is written in response to your inquiry regarding properties of archeological, architectural, or historical significance in the area of the proposed referenced project. The staff of the Arkansas Historic Preservation Program has reviewed the documents for the structures included in your letter of May 31, 2017.

We concur that the bridge (AHTD Bridge Number M3122) to be replaced is not eligible for inclusion in the National Register of Historic Places (NRHP) and that the undertaking will have no effect on historic properties.

Tribes that have expressed an interest in the area include the Caddo Nation (Mr. Phil Cross), the Choctaw Nation of Oklahoma (Dr. Ian Thompson), the Jena Band of Choctaw Indians (Alina J. Shively), the Quapaw Tribe of Oklahoma (Mr. Everett Bandy), Shawnee Tribe of Oklahoma (Ms. Kim Jumper), and the United Keetoowah Band of Cherokee Indians (Mr. Eric Oosahwec-Voss). We recommend that they be consulted in accordance with 36 CFR § 800.2 (c) (2).

Once the undertaking is further along in the planning stages, we look forward to reviewing the proposed project. If you should have any questions or comments, please do not hesitate to contact Theresa Russell of my staff at (501)-324-9357.

Sincerely,

Marian Boyd
Interim Director, AHPP

cc: Mr. Randal Looney, Federal Highway Administration
Dr. Andrea Hunter, Osage Nation
Dr. Ann Early, Arkansas Archeological Survey

Arkansas Arts Council

Arkansas Natural
Heritage Commission

Arkansas State Archives

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
Cultural Center

Old State House Museum



ARKANSAS HISTORIC
PRESERVATION PROGRAM



1100 North Street
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
tdd: 711

e-mail:

info@arkansaspreservation.org

website:

www.arkansaspreservation.com

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Arkansas Ecological Services Field Office
110 South Amity Suite 300
Conway, AR 72032-8975
Phone: (501) 513-4470 Fax: (501) 513-4480
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

January 08, 2018

Consultation Code: 04ER1000-2018-SLI-0324

Event Code: 04ER1000-2018-E-00530

Project Name: Job 020587 Ables Creek Str. & Apprs. (S)

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species. Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project

specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities. Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at www.fws.gov/endangered/esa-library/index.html#consultations.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and

implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arkansas Ecological Services Field Office

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

Project Summary

Consultation Code: 04ER1000-2018-SLI-0324

Event Code: 04ER1000-2018-E-00530

Project Name: Job 020587 Ables Creek Str. & Apprs. (S)

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

Project Description: Bridge Replacement over Ables Creek and overflow

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/33.736956892608774N91.56063178670999W>



Counties: Drew, AR

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Flowering Plants

NAME	STATUS
Geocarpon minimum No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7699	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 020587 FAP Number NHPP-0022.37)

Job Title Ables Creek Str. & Apprs.

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary
Cultural Resources	X			
Economic	X			
Endangered Species	X			No effect
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife		X		Temporary during Construction
Floodplains		X		Floodplain permit required
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds		X		Bird SP required
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			
Relocates	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		
Water Quality		X		Temporary during construction
Wetlands		X		NW 23
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? No
 Short-term Activity Authorization Required? Yes
 Section 404 Permit Required? Yes Type NWP 23

Remarks: Wetland Mitigation at Pelican Forster or Lower Cutoff Creek Mitigation Banks

Signature of Evaluator  Date February 5, 2018

ROADWAY DESIGN REQUESTJob Number 020587 FAP No. _____ County DrewJob Name Ables Creek Str. & Apprs. (S)Design Engineer David Baker Environmental Staff _____Brief Project Description Replacing 2 bridges, 1 with a new bridge, 1 with a box culvert.

A. Existing Conditions:

Roadway Width: 28' Shoulder Type/Width: 4 1/2' PavedNumber of Lanes and Width: 2 @ 10' Existing Right-of-Way: 150'Sidewalks? No Location: _____ Width: _____Bike Lanes? No Location: _____ Width: _____

B. Proposed Conditions:

Roadway Width: 34' Shoulder Type/Width: 6 1/2' PavedNumber of Lanes and Width: 2 @ 11' Proposed Right-of-Way: 170'Sidewalks? No Location: _____ Width: _____Bike Lanes? No Location: _____ Width: _____

C. Construction Information:

If detour: Where: Left of Hwy. 138 Length: 0.517 miles

D. Design Traffic Data:

2017 ADT: 800 2037 ADT: 1000 % Trucks: 4%
Design Speed: 55 m.p.h.E. Approximate total length of project: 0.341 mile(s)F. Justification for proposed improvements: Existing Structures are obsolete.G. Total Relocates: N/A Residences: N/A Businesses: N/AH. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date

BRIDGE INFORMATION – PRELIMINARY

Job Number: 020587 FAP Number: NHPP-0022(37) County: Drew
 Job Name: Ables Creek Str. & Apprs. (S)
 Design Engineer: Jim Pool Environmental Staff: Ben Thesing

A. Description of Existing Bridge:

1. Bridge Number M3122 over Ables Creek
2. Location: Rte.: 138 Section: 3 Log Mile: 15.95
3. Length: 153 ft Br. Rdwy. Width: 24 ft Deck Width (Out-to-Out): 25.2 ft
4. Type Construction: Reinforced concrete channel beams supported by trestle pile bents
5. Deficiencies: Span 5 has spalls with exposed rebar
6. HBRRP Eligibility: Qualif. Code: N/A Sufficiency Rating: 62.4
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:

1. Length: 170 ft Br. Rdwy. Width: 30 ft Deck Width (Out-to-Out): 33.17 ft
2. Travel Lanes: Two 11 ft. lanes
3. Shoulder Width: Two 4 ft. shoulders
4. Sidewalks? No Location: _____ Width: _____ ft

C. Construction Information:

1. Location in relation to existing bridge: Same location
2. Superstructure Type: Cont. Comp. W-beam Unit
3. Span Lengths: 35-50-50-35
4. Substructure Type: Trestle bents
5. Ordinary High Water Elev. (OHW): 143 No. of Bents inside OHW Contours: 1
6. Concrete Vol. below OHW: N/A yd³ Vol. Bent Excavation: N/A yd³ Vol. Backfill N/A yd³
7. Is Channel Excavation below OHW Required? No Surface Area: _____ ft² Volume: _____ yd³
8. Is Fill below OHW Req'd.? No Surface Area: _____ ft² Volume: _____ yd³
9. Is Riprap below OHW Required? TBD Volume: _____ yd³

D. Work Road Information:

1. Is Work Road(s) required? Yes Location: TBD Top Width: TBD ft
2. Is Fill below OHW required? TBD Surface Area: TBD ft² Volume TBD yd³
3. Are Pipes required to meet Backwater Criteria? TBD Waterway Opening: TBD ft²

E. Detour Information:

1. Is a detour bridge required? Yes Location in relation to Existing Br.: Approx. 90' Upstream of C.L. proposed bridge
2. Length: TBD ft Br. Rdwy. Width: TBD ft Deck Elevation: TBD
3. Volume of Fill below OHW: TBD yd³ Surface Area: TBD ft²

F. Coordination with Outside Agencies (e.g., FHWA, City, County, C of E, USCG):

Has Bridge Division coordinated with any outside agencies? No

Agency	Person Contacted	Date

EXISTING BRIDGE INFORMATION

Job Number: 020587 FAP Number: NHPP-0022(37) County: Drew

Job Name: Ables Creek Str. & Apprs. (S)

Design Engineer: Jim Pool Environmental Staff: Ben Thesing/John Baber

A. Description of Existing Bridge:

1. Bridge Number M3083 over Cut-Off Creek
2. Location: Rte.: 138 Section: 3 Log Mile: 9.82
3. Length: 69.8 ft Br. Rdwy. Width: 24 ft Deck Width (Out-to-Out): 26.1 ft
4. Type Construction: Reinforced concrete channel beams supported by trestle pile bents with timber piling.
5. Deficiencies: Bridge is structurally deficient.
6. HBRRP Eligibility: Qualif. Code: SD Sufficiency Rating: 45.90
7. Are any Condition Component Ratings at 3 or less? No

B. Proposed Improvements:

Existing Bridge will be replaced with a Box Culvert.

Please contact the Roadway Division for proposed improvements.



DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.army.mil

September 24, 2018

Regulatory Division

NATIONWIDE PERMIT NO. **MVK 2018-00725**

Mr. John Fleming
Division Head, Environmental Division
Arkansas Department of Transportation
PO Box 2261
Little Rock, Arkansas 72203-2261

Dear Mr. Fleming:

Please refer to your recent request concerning Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act. You requested authorization for the placement of dredged and fill material in waters of the United States associated with replacing the structures and approaches over Ables Creek and Cut-off Creek and upgrading the approaches. The bridge over Ables Creek will be replaced with a three-span continuous composite W-Beam bridge with trestle pile bents. The bridge over Cut-off Creek will be replaced with a double box culvert. Approaches will be upgraded to two 11-foot-wide lanes with 4-foot-wide shoulders. Temporary detour roads will be constructed at each crossing and a temporary work road will be constructed at Ables Creek. The project will adversely impact approximately 0.31 acres of wetlands. Impacts to the streams will be less than 300 linear feet and 0.1 acres at each crossing. There are no endangered species or cultural resources impacts. The project was approved as a Tier 2 Categorical Exclusion by ArDOT on February 5, 2018. The project is located approximately two miles north of the community of Selma on State Highway 138, in section 24, T. 11 S., R. 5 W., Drew County, Arkansas. A vicinity map, project location map and temporary work road drawing are enclosed.

The proposed activities are authorized by Department of the Army Nationwide Permit (NWP) **No. 23** (copy enclosed), provided that the following **Special Condition** and General Conditions therein are met. For your convenience, we have highlighted the General Conditions of the NWP that are the most pertinent to your project. You should become familiar with the conditions and maintain a copy of the permit at the worksite for ready reference. If changes are proposed in the design or location of the project, you should submit revised plans to this office for approval before construction of the change begins.

Special Condition:

ArDOT agrees to mitigate for the adverse impacts to 0.31 acres of wetlands with 3.3 wetland credits at an approved wetland mitigation bank before construction of the project begins. ArDOT will provide documentation of the mitigation bank transaction to the U.S. Army Corps of Engineers Little Rock District Transportation Program Manager.

Please pay particular attention to General Condition No. 12 which stipulates that appropriate erosion and siltation controls be used during construction and all exposed soil be permanently stabilized. Erosion control measures must be implemented before, during and after construction.

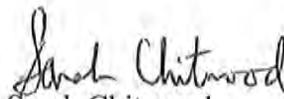
For your information, we have enclosed a copy of the Arkansas Department of Environmental Quality (ADEQ) Section 401 Water Quality Certification conditions, which are conditions of your permit. If you have any questions concerning compliance with the conditions of the 401 certification, you should contact Ms. Millie Remer or Ms. Melanie Treat at the ADEQ, Water Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118, telephone (501) 682-0040.

Also, in order to fully comply with the conditions of the NWP, you must submit the enclosed compliance certification within 30 days of completion of the project. This is required pursuant to General Condition No. 30 of the permit.

The NWP determination will be valid until March 18, 2022. If NWP No. 23 is modified, suspended, or revoked during this period, your project may not be authorized unless you have begun or are under contract to begin the project. If work has started or the work is under contract, you would then have twelve (12) months to complete the work.

Your cooperation in the Regulatory Program is appreciated. If you have any additional questions about this permit or any of its provisions, please contact Mr. Johnny McLean at (501) 324-5295 and refer to Permit No. **MVK 2018-00725, Ables Creek Structure and Approaches on State Highway 138 near Selma (ArDOT Project No. 020587).**

Sincerely,


Sarah Chitwood
Chief, Regulatory Evaluation Branch

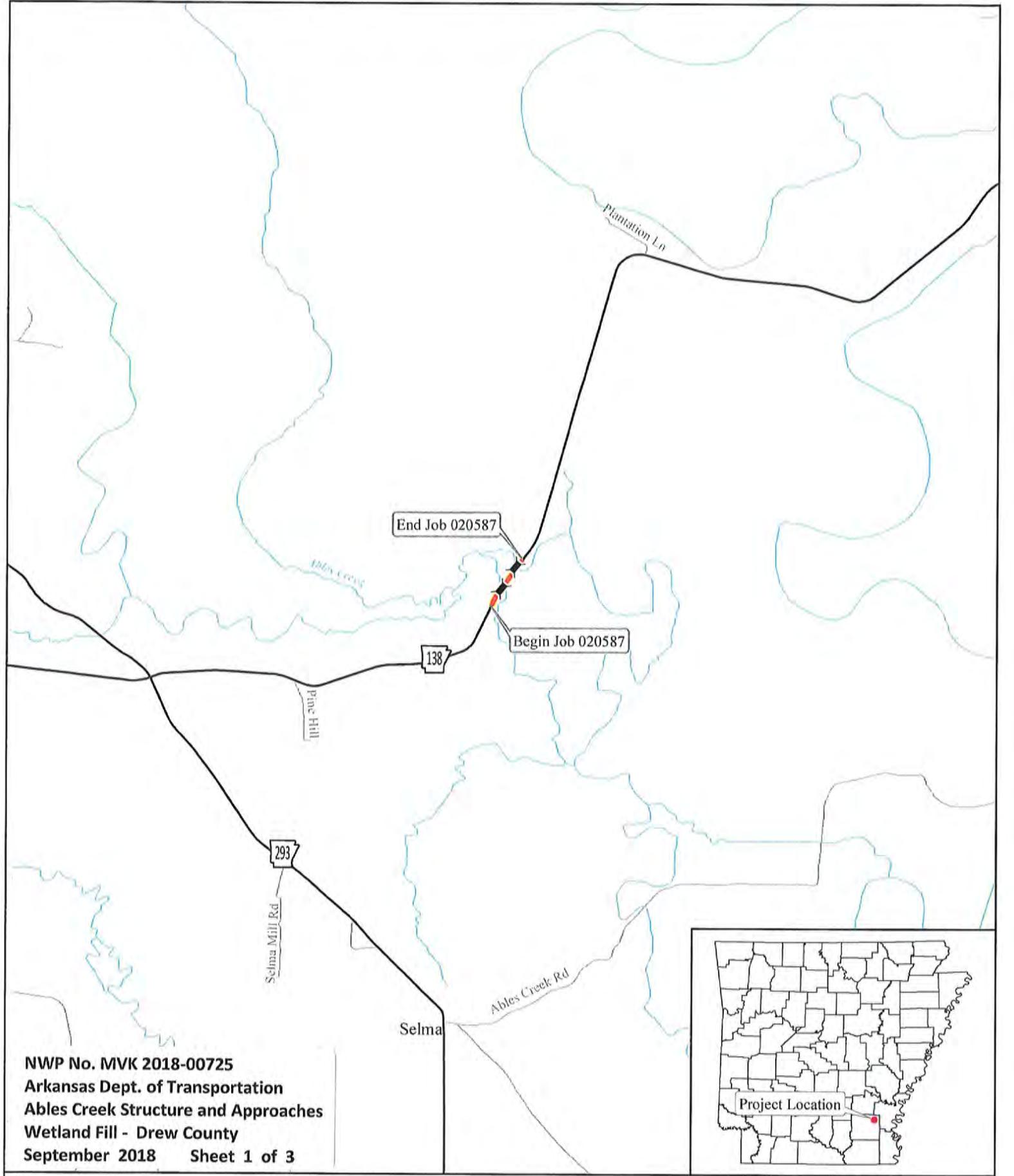
Enclosures

Copy Furnished:

Vicksburg District Regulatory, w/cy encls.

Ms. Millie Remmer, Arkansas Department of Environmental Quality, w/cy encls.

Mr. Lindsey Lewis, U.S. Fish & Wildlife Service, w/cy encls.



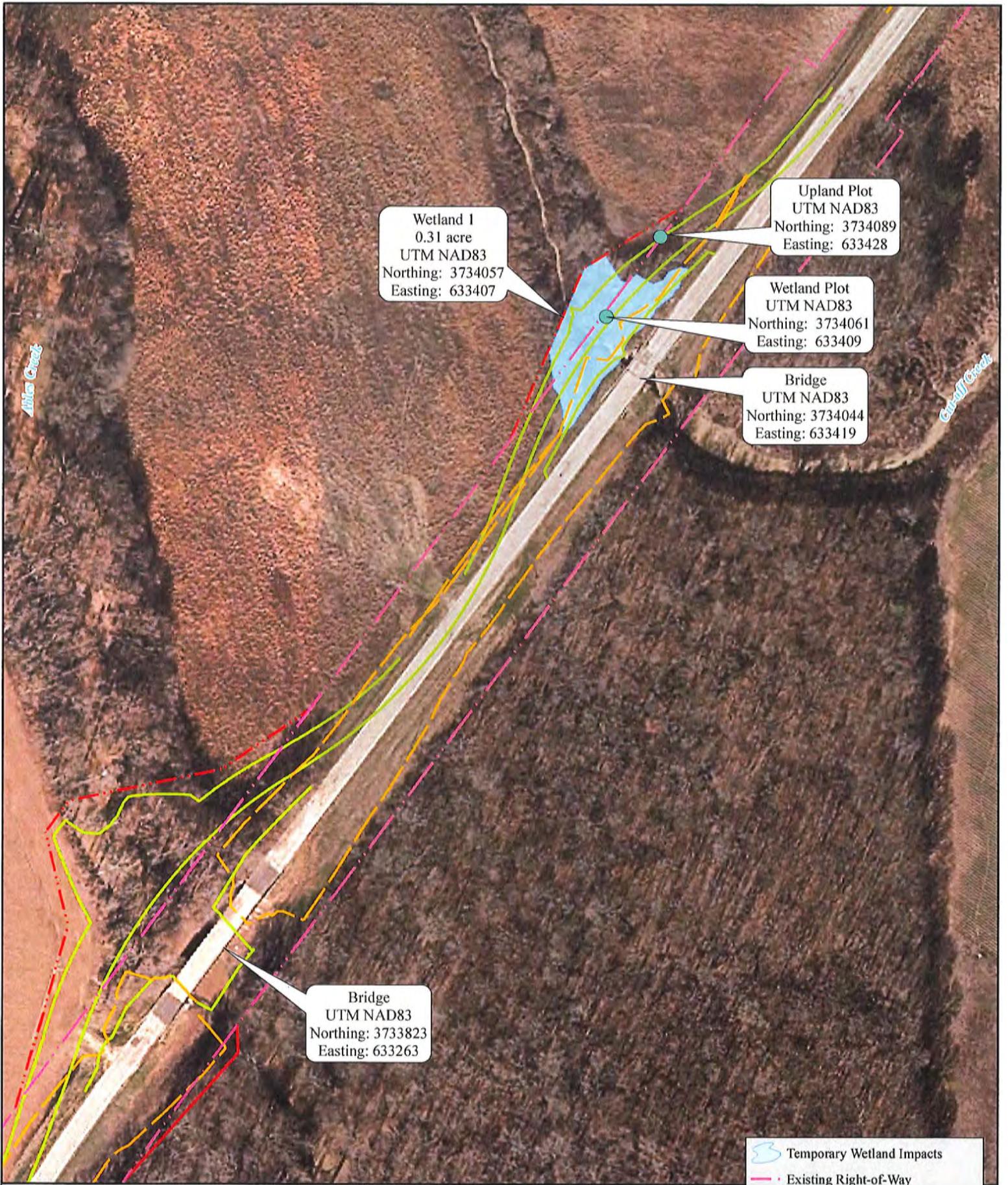
NWP No. MVK 2018-00725
Arkansas Dept. of Transportation
Ables Creek Structure and Approaches
Wetland Fill - Drew County
September 2018 Sheet 1 of 3



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 Feet
 ARDOT - Environmental GIS - Hopkins
 February 1, 2018

Job 020587
Ables Creek Str. & Apprs.
(Hwy. 138)
Drew County


Project Location



Wetland 1
0.31 acre
UTM NAD83
Northing: 3734057
Easting: 633407

Upland Plot
UTM NAD83
Northing: 3734089
Easting: 633428

Wetland Plot
UTM NAD83
Northing: 3734061
Easting: 633409

Bridge
UTM NAD83
Northing: 3734044
Easting: 633419

Bridge
UTM NAD83
Northing: 3733823
Easting: 633263

-  Temporary Wetland Impacts
-  Existing Right-of-Way
-  Proposed Construction Limits
-  Proposed Right-of-Way
-  Temporary Construction Easement
-  Detour

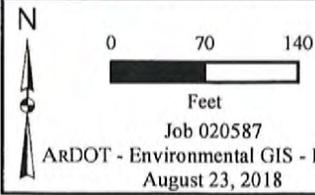


Figure 2
Wetland Impacts



MAR 16 2017

Colonel Robert G. Dixon
District Commander
U.S. Army Corps of Engineers
P.O. Box 867
Little Rock, Arkansas 72203-0867

RE: Public Notice: Re-issuance of Nationwide Permits

Dear Colonel Dixon:

The Arkansas Department of Environmental Quality (ADEQ) has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers Nationwide Permits (NWPs) for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that the activities covered under most these NWPs will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Therefore, pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby **issues** water quality certification for all NWPs with the exception of NWPs 14, 29, and 43, contingent upon the following conditions:

- 1) An individual water quality certification request must be submitted to ADEQ for Activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways and their tributaries (within 1 mile) as defined in Regulation No. 2, Water Quality Standards.
- 2) The applicant shall contact ADEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of ADEQ at 501-682-0946.
- 3) The applicant shall implement all practicable best management practices (BMPs) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact ADEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.

- 6) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg.6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR 150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of ADEQ at (501) 682-0621.

For NWPs 14, 29, and 43, where a Pre-Construction Notification (PCN) is required, in addition to conditions 1-6 listed above, an individual water quality certification request must be submitted to ADEQ in cases and the activity occurs in:

- a. Waterbodies on the most currently approved 303(d) list for turbidity/siltation, including tributaries of the listed stream (within 1 mile) and waters upstream of the listed segment (within 1 mile).
- b. Waterbodies with an approved Total Maximum Daily Load (TMDL) for turbidity/siltation, including their tributaries (within 1 mile) and waters upstream of the listed segment (within 1 mile).

If you have additional questions regarding this certification, please contact Ms. Lazendra Hairston at (501) 682-0946.

Sincerely,



Caleb Osborne
Associate Director, Office of Water Quality

cc: Elaine Edwards, Chief Regulatory Division USACE
Jim Ellis, Project Manager USACE
Wanda Boyd, U.S. EPA,