ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett, P.E.
Director
Telephone: (501) 569-2000
Voice/TTY: 711

P.O. Box 2261
Little Rock, AR 72203-2261
Telefax: (501) 569-2400
www.ArkansasHighways.com

October 15, 2015

Ms. M. Elaine Edwards
Chief, Regulatory Division
Little Rock District Corps of Engineers
P.O. Box 867
Little Rock, AR 72203-0867

Re: AHTD Job Number CA0906
USACE No. SWL 2015-00027
Maxie Camp Rd. – Hwy. 206 (Hwy. 65 Widening)(S)
Boone County

Dear Ms. Edwards:

Enclosed are the draft Non-NEPA documentation, Approved Jurisdictional Determination (AJD), and supporting materials for the referenced project. The proposed AHTD project would widen 4.5 miles of Highway 65. A detailed description of the proposed roadway improvements can be found in the enclosed Non-NEPA documentation.

There are approximately 303 linear feet of permanent stream impacts and approximately 30 feet of temporary stream impacts. The permanent impacts are associated with Stream 8 (Elm Branch) and Stream 9 (an unnamed tributary to Elm Branch). Temporary impacts are associated with Stream 7 (Hog Creek). There will be no wetland impacts due to construction activities.

The AHTD design standards must comply with any FEMA-approved local floodplain ordinances. The proposed project will not impact State lands, National or State wild or scenic rivers, or Extraordinary Resource/Ecologically Sensitive water bodies. Construction of this project should be allowed under terms of a Nationwide Permit 14 for Linear Transportation Projects.

If additional information is required, please contact Josh Seagraves of my staff at (501) 569-2522.

Sincerely,

For John Fleming
Division Head
Environmental Division

Enclosures:
Draft Non-NEPA Documentation
USACE AJD
Design drawings

Environmental Document

AHTD JOB NUMBER CA0906

Maxie Camp Rd. – Hwy. 206 (Widening) (S)
Boone County, Arkansas

Submitted Pursuant to Issue No. 1, an Amendment to Provide Additional Funding for Highways, County Roads, City Streets, Bridges, and Surface Transportation
By the
Arkansas State Highway and Transportation Department

Prepared by:
Jennifer Bell
Burns & McDonnell Engineering Company, Inc.

September 23, 2015

10/1/2015
Date of Approval

John Fleming
John Fleming
Environmental Division Head
Arkansas State Highway and
Transportation Department

The Connecting Arkansas Program Manager (CAPM) has reviewed the referenced project as a Non-NEPA project.

The purpose of this project is to improve capacity and safety on this major rural arterial. Total length of the project is 4.5 miles. It extends from Maxie Camp Road to Highway 206 in Boone County. Figure 1 illustrates the project location.

The existing roadway consists of a minimum of two 12-foot-wide paved travel lanes with 6- to 8-foot-wide shoulders. Existing right of way width is 132 feet.

Proposed improvements include four 12-foot-wide paved travel lanes, an 11-foot paved center turn lane, and 8-foot-wide shoulders. Through the City of Valley Springs, proposed improvements include four 11-foot-wide paved travel lanes, a 12-foot paved center turn lane, and 8-foot-wide shoulders. The average additional right of way width will be 63 feet. Approximately 35 acres of additional right of way will be required for this project.

Design data for this project is as follows:

Design Year	Average Daily Traffic	Percent Trucks	Design Speed
2016	8,600	9	60 mph
2036	11,500	9	60 mph

Two archaeological sites and 69 historic-age, non-archaeological resources were documented. One of the archaeological sites (Site 3BO280) and one of the historic-age resources (Structure 38B) were determined to be eligible for inclusion in the National Register of Historic Places (NRHP) (see SHPO response dated April 21, 2015). Because Site 3BO280 cannot be avoided by the project, a Memorandum of Agreement (MOA) with SHPO was signed to resolve the adverse effect on this site (see SHPO response dated June 9, 2015, and attached MOA). Construction in Elm Branch and an unnamed tributary, totaling 303 linear feet of impacts should be allowed under the terms of a Section 404 Nationwide Permit (NWP) 14 for Linear Transportation Projects as defined in Federal Register 77(34):10184-10290. Construction of a work road at Hog Creek, resulting in approximately 30 feet of temporary impacts, should also be allowed under the terms of a NWP 14. Field inspections found four potential hazardous materials sites and/or areas of concern within or adjacent to the environmental boundary for the proposed project. No further investigations were recommended for these sites.

There are minor impacts to the Zone A Special Flood Hazard Area (SFHA) for Elm Branch in Valley Springs. There are no published base flood elevations (BFE) for this unstudied stream. However, comparison of existing and proposed condition riverine models indicates an increase in the BFE of 0.3 feet, less than the 1 foot threshold that would require a Conditional Letter of Map Revision within a Zone A SFHA. No building structures will be adversely affected by this minor increase.

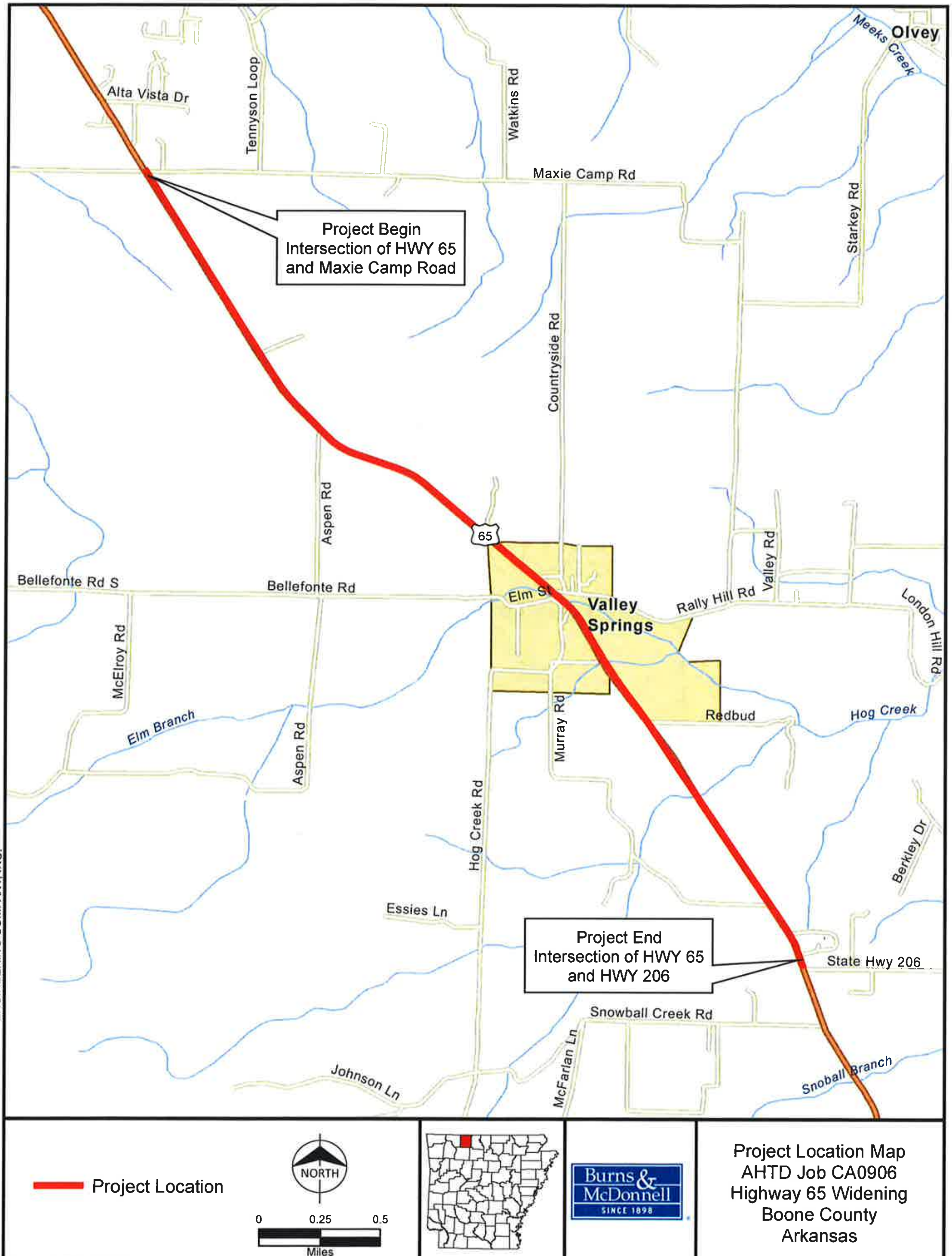
There are two residential and two business relocations associated with this project. Public Law 91-646, Uniform Relocation Assistance Act (URAA) of 1970, as amended, will apply.

A Public Information Meeting was held on August 5, 2014, at the First Baptist Church Valley Springs (Family Life Center) in Valley Springs, Arkansas. A synopsis of this meeting is attached.

There are no endangered species or Executive Order 12898 Environmental Justice issues involved with this project.

Listing of Commitments

1. *Wellhead Protection Special Provision*
2. *Restraining Conditions Special Provision*
3. *Water Pollution Control Special Provision*
4. *Cave Discovery Special Provision*
5. *Nesting Sites of Migratory Birds Special Provision*
6. *Section 404 Nationwide Permit 14*
7. *Short Term Activity Authorization*
8. *NPDES Permit*
9. *Floodplain Development Permit*
10. *MOA for Site 3BO280*
11. *Site 38B Architectural Resource Form*
12. *URAA will apply*



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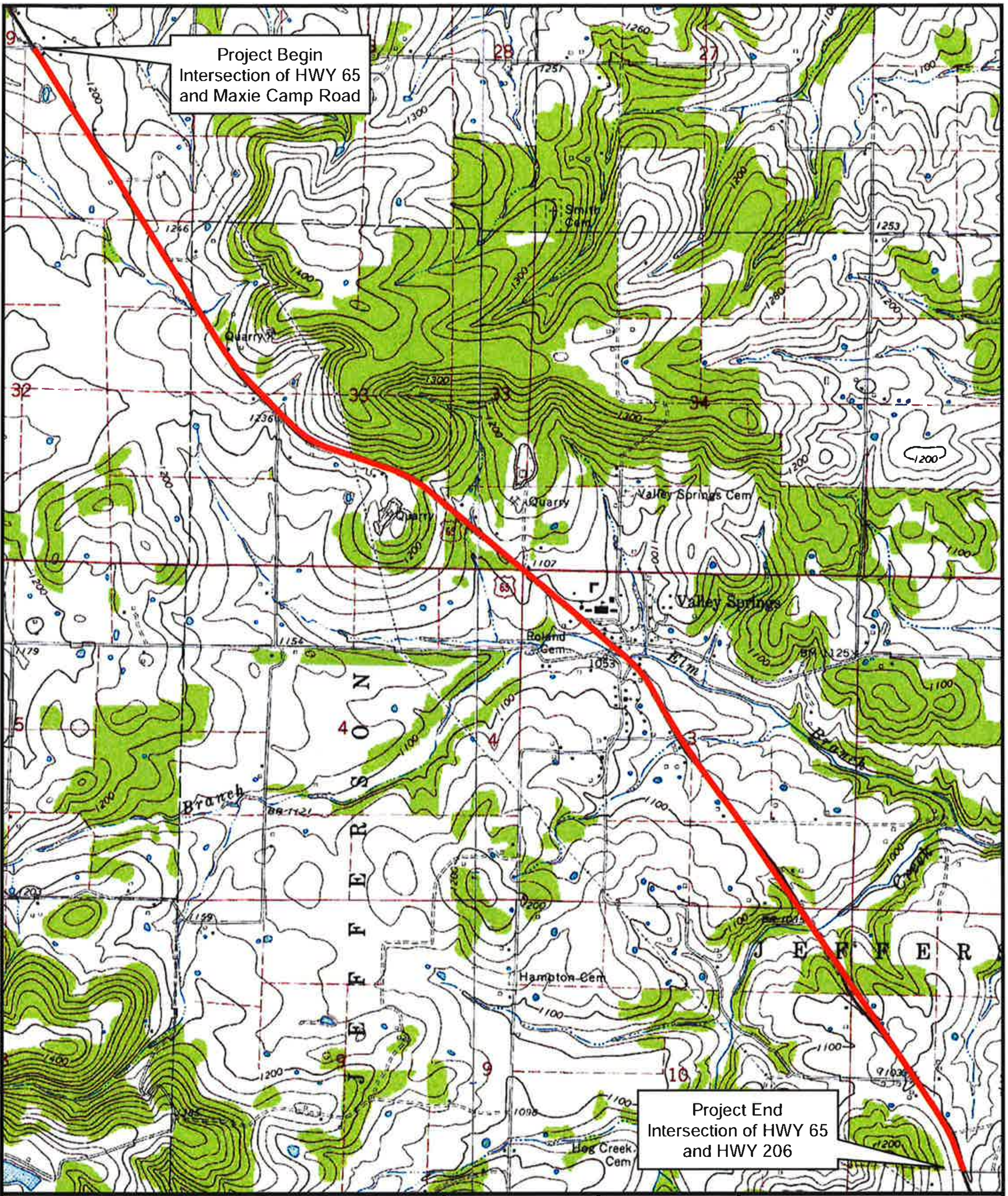
Source: ESRI Data 2013

Issued: 3/10/2015



Project Location

NORTH

0 1,000 2,000

Scale in Feet

Burns & McDonnell SINCE 1898

Topographic Map
AHTD Job CA0906
Highway 65 Widening
Boone County
Arkansas

Source: USGS Topographic Map, Boone County DRG Mosaic; ESRI Basemap Data, 2010

Issued: 7/27/2015

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THE DEPARTMENT OF ARKANSAS
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Delta Cultural Center
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Historic Arkansas Museum
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Mosaic Templars Cultural Center
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Old State House Museum

Arkansas Historic Preservation Program

323 Center Street, Suite 1500
Little Rock, AR 72201

(501) 324-9880
fax: (501) 324-9184
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e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.com

An Equal Opportunity Employer

April 21, 2015

Mr. Bill McAbee
CAP Environmental Program Manager
4701 Northshore Drive
North Little Rock, Arkansas 72118

Re: Boone & Newton Counties – General
Section 106 Review – FHWA
AHTD Job No. CA0906 – Hwy 65-Maxie Camp Rd to Hwy 123 (Widening)(S)
Burns & McDonnell Project No. 75542
AHPP Tracking Number 90599.1

Dear Mr. McAbee:

The staff of the Arkansas Historic Preservation Program has reviewed the cultural resource survey report entitled *Cultural Resources Survey Arkansas State Highway and Transportation Department Highway 65: Maxie Camp Road to Highway 123 Boone and Newton Counties, Arkansas*. This report documents a cultural resources survey that was of sufficient intensity to identify resources that might be eligible for inclusion in the National Register of Historic Places (NRHP) and is acceptable.

Two archeological sites (3BO280 and 3BO281) were recorded as a result of this work. In addition, a previous survey of standing structures resulted in a finding that 68 structures are not eligible for inclusion in the NRHP, but that one (a barn temporarily recorded as structure 38B) is eligible. An Architectural Resource Form should be completed for that structure and submitted to this office for our records.

We agree that 3BO281 is not eligible for inclusion in the NRHP, but disagree that 3BO280 is also not eligible. The documentary research carried out clearly demonstrates that this site is associated with early settlers in the area. Therefore, we recommend that if it cannot be avoided, test excavations be carried out to determine the site's eligibility for inclusion in the NRHP.

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Steve Imhoff of my staff at 501-324-9270.

Sincerely,

Frances McSwain

Frances McSwain
Deputy State Historic Preservation Officer

cc: Dr. Richard Allen Cherokee Nation of Oklahoma
Mr. Everett Bandy, Quapaw Tribe of Oklahoma
Ms. Lisa C. Baker, United Keetoowah Band of Cherokee Indians
Mr. John Fleming, Arkansas State Highway & Transportation Dept.
Ms. Tamara Francis-Fourkiller, Caddo Nation
Mr. Andrew S. Gottsfield, Burns & McDonnell Engineering Co., Inc.
Dr. Andrea Hunter, Osage Nation
Mr. Randal Looney, Federal Highway Administration

THE DEPARTMENT OF ARKANSAS
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Asa Hutchinson
Governor

Stacy Hurst
Director

Arkansas Arts Council
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Delta Cultural Center
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Historic Arkansas Museum
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Mosaic Templars Cultural Center
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Old State House Museum

Arkansas Historic Preservation Program

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fax: (501) 324-9184
tdd: 711

e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.com

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June 9, 2015

RECEIVED

JUN 12 2015

DIRECTOR'S OFFICE
ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

Mr. Bill McAbee
CAP Environmental Program Manager
Connecting Arkansas Program
4701 Northshore Drive
North Little Rock, Arkansas 72118

RE: Boone & Newton County - General
Section 106 Review - FHWA
Job No. CA0906 - Hwy. 65-Maxie Camp Rd to Hwy 123 (Widening)(S)
AHPP Tracking Number 90599.3

Dear Mr. McAbee:

This letter is written in response to your inquiry regarding properties of archeological, historical or architectural significance in the area of the proposed undertaking.

My staff has reviewed the revised Memorandum of Agreement (MOA) that details measures needed to mitigate adverse effects to archeological site 3BO280. We find the MOA to be acceptable and have enclosed a copy signed by the Arkansas State Historic Preservation Officer. If the terms of the MOA are carried out, we find that this undertaking will have no adverse effect on historic properties.

Thank you for the opportunity to review this undertaking. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Steve Imhoff of my staff at 501-324-9270.

Sincerely,

Frances McSwain

Frances McSwain
Deputy State Historic Preservation Officer

cc: Dr. Richard Allen, Cherokee Nation of Oklahoma
Ms. Lisa C. Baker, United Keetoowah Band of Cherokee Indians
Mr. Everett Bandy, Quapaw Tribe of Oklahoma
Mr. John Fleming, Arkansas State Highway & Transportation Dept.
Mr. Andrew S. Gottsfield, Burns & McDonnel Engineering Co., Inc.
Dr. Andrea Hunter, Osage Nation
Ms. Kim Jumper, Shawnee Tribe of Oklahoma

MEMORANDUM OF AGREEMENT

BETWEEN THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

AND ARKANSAS STATE HISTORIC PRESERVATION OFFICER

Pursuant to 36 CFR §800.6(c)

Regarding the

Arkansas State Highway and Transportation Department

Job Number CA0906

Highway 65: Maxie Camp Road to Highway 123 (Widening) (S)

Boone and Newton Counties, Arkansas

WHEREAS, the Arkansas State Highway and Transportation Department (AHTD) has determined that Job CA0906, the proposed widening of Highway 65 to five lanes for a distance of 7.5 miles between Maxie Camp Road and Highway 123 in Boone and Newton counties, Arkansas, is necessary to serve the transportation needs of the area to improve traffic flow, safety, and capacity in the project area; and

WHEREAS, a cultural resources survey of the area of potential effect (APE) of this undertaking has been completed and all cultural resources have been identified and evaluated for their eligibility for inclusion in the National Register of Historic Places (NRHP) by AHTD in consultation with the Arkansas State Historic Preservation Officer (SHPO); and

WHEREAS, in accordance with 36 CFR §800 regulations implementing Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470 F), the AHTD in consultation with the Arkansas State Historic Preservation Officer (SHPO) has determined that Job CA0906 will have an adverse effect on Site 3BO280, an archaeological site determined eligible for listing in the National Register of Historic Places for its association with early settlement in the Valley Springs area; and

WHEREAS, shovel testing completed during the archaeological survey work at the site revealed that the presence of intact archaeological deposits in the area of potential effect (APE) is limited due to very shallow soils over bedrock; and

WHEREAS, the AHTD must fulfill its responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended and the implementing regulations of the Advisory Council on Historic Preservation set forth in 36 CFR Part 800; and

WHEREAS, the regulations of the Advisory Council on Historic Preservation (AHCP) set forth at 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f) are applicable throughout the Memorandum of Agreement (MOA); and

NOW THEREFORE, the AHTD and SHPO agree that in order to mitigate the adverse effect on this historic structure, the Project shall be implemented with the following stipulations.

STIPULATIONS

The ATHD will ensure that the following stipulations are carried out.

I RESOLUTION OF ADVERSE EFFECT ON THE HISTORIC PROPERTY (Site 3BO280)

1. The AHTD will produce architectural documentation of the structural remains at Site 3BO280 that meets the Secretary of Interior's "Standards and Guidelines for Archaeology and Historic Preservation" set forth in 48 FR 44716. The Arkansas Historic Preservation Program (AHPP) 2009 "Survey Procedures Manual: Guidelines for Historic and Architectural Surveys in Arkansas" meets these standards.

2. This documentation will include the completion of an Arkansas Architectural Resource form, and will be submitted to the SHPO for review and comment.

3. Documentation shall include properly labeled and archived digital color photographs.

4. Documentation shall include a formal report of detailed archival research on 3BO280 that will document the importance of the site and individuals associated with it in local history.

5. No construction will be undertaken on the historic property until all fieldwork portions of the required mitigation have been completed and the SHPO has reviewed the documentation and found it acceptable.

6. The AHTD shall ensure that adequate time and funding are provided to carry out all aspects of the required mitigation.

II. HUMAN REMAINS

If human remains are encountered during implementation of the project, all activity in the vicinity of the discovery shall cease, and the AHTD will immediately notify local law enforcement and the SHPO. The treatment of human remains shall follow the guidelines developed for the Arkansas Burial Law (Act 753 of 1991, as amended) and the Advisory Council on Historic Preservation's "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects" published February 23, 2007.

III. DURATION

This MOA will remain in effect for a period not to exceed ten years from the date of ratification, or until the proposed construction is complete. It may be extended by agreement of all the signatories.

IV. PROFESSIONAL QUALIFICATIONS STANDARDS

The AHTD shall ensure that all archeological investigations and other historic preservation activities to this MOA are carried out by, or under the direct supervision of, a person or persons meeting the appropriate qualifications set forth in the Secretary of the Interior's professional qualification standards (48 CFR 44739).

V. ARCHEOLOGICAL FIELDWORK AND REPORT STANDARDS

All archeological field work and report writing shall follow the Secretary of the Interior's Standards and Guideline for Archeology and Historic Preservation (48 CFR 44716-39) and Appendix B of *A State Plan for the Conservation of Archeological Resources in Arkansas* (Davis and Early 2010).

VI. DISCOVERY SITUATIONS

Pursuant to 36 CFR part 800.13, if cultural material is discovered during implementation of the project, the AHTD shall ensure that all construction activities cease in the area of the discovery and that the consulting parties are notified. The AHTD and the SHPO shall determine if the discovery is eligible for inclusion in the National Register of Historic Places. If so, the AHTD will develop a treatment plan for historic properties which shall be reviewed and approved by the SHPO. Disputes arising from such review shall be resolved in accordance with Stipulation VII.

VII. DISPUTE RESOLUTION

Should the SHPO or any consulting party object to any findings, proposed actions or determinations made pursuant to this MOA, the AHTD shall consult with the objecting party to resolve the objection. If the AHTD determines that the objection cannot be resolved, it shall request further comments from the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800.6(b). Any Council comment provided in response to such a request shall be taken into account by the AHTD in accordance with 36 CFR 800.6(b)(2) with reference only to the subject of the dispute. The ATHD responsibility to carry out all actions under this MOA that are not subject to dispute shall remain unchanged.

VIII. MONITORING

The consulting parties or one or more parties in cooperation may monitor the undertaking and stipulations carried out pursuant to this MOA.

IX. AMENDING THE MEMORANDUM OF AGREEMENT

Should any of the signatories to this MOA believe that the terms of this MOA are not being met, or cannot be met, that party shall immediately notify the other signatories and request consultation to amend this MOA in accordance with 36 CFR Part 800.6(c). The process to amend this MOA shall be conducted in a manner similar to that leading to the execution of this MOA.

X. TERMINATING THE MEMORANDUM OF AGREEMENT

Any signatory to this MOA may terminate it by providing thirty (30) calendar days written notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the AHTD shall comply with 36 CFR Part 800.4 through 800.6 with regard to the undertaking covered by this MOA.

XI. FAILURE TO CARRY OUT THE MEMORANDUM OF AGREEMENT

In the event the AHTD does not carry out the terms of the MOA, the AHTD shall comply with 36 CFR Part 800.4 through Part 800.6 with regard to the undertaking covered by this MOA.

XII. FULFILLMENT OF SECTION 106 RESPONSIBILITIES

Execution and implementation of this MOA evidences that the AHTD has taken into account the effect of the undertaking on the historic properties.

SIGNATORY PARTIES

ARKANSAS HISTORIC PRESERVATION PROGRAM

Stacy Hurst Arkansas State Historic Preservation Officer	6-12-15 Date

SIGNATORY PARTIES

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott Bennett

Scott Bennett
Director of Highways and Transportation

6-15-2015
Date

United States Department of the Interior

FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

June 17, 2014

Ms. Brenda Price
Assistant Environmental Division Head
Arkansas Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Re: AHTD Jobs # CA0906 (Hwy. 65 Widening near Western Grove) Boone and Newton Counties, Arkansas

Dear Ms. Price:

This letter provides U.S. Fish and Wildlife Service (Service) comments on the above referenced project and is in reply to your letter dated May 30, 2014. Our comments are submitted in accordance with the Endangered Species Act of 1973 (87 stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed Arkansas State Highway and Transportation Department project involves widening a 7.46 mile segment of Highway 65 from two to four lanes and adding an 11 foot painted median. The project extends from the intersection at Highway 123 in northern Newton County north to the intersection at Maxie Camp Road in southern Boone County.

A review of the proposed project area revealed that no candidate, threatened or endangered species are likely to be affected by the project. As a result, the Service concurs with your agency's determination that the project is not likely to adversely affect listed species. No further consultation is required for this project unless new information regarding listed species is presented prior to or during construction.

Thank you for allowing our agency the opportunity to comment on the proposed project. For future correspondence on this matter, please contact Mitch Wine of this office at (501) 513-4488 or mitch_wine@fws.gov.

Sincerely,

Melvin Tobin
Deputy Project Leader

cc:
Randal Looney, Federal Highway Administration
John Fleming, Arkansas Highway and Transportation Department
Cindy Osborne, Arkansas Natural Heritage Commission
Jennifer Sheehan, Arkansas Game and Fish Commission
Johnny McLean, U.S. Army Corps of Engineers
Wanda Boyd, United States Environmental Protection Agency

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Job CA0906

Maxie Camp Rd. – Hwy 206 (Widening) (S)

Boone County

August 5, 2014

An open-forum public involvement meeting for the proposed Maxie Camp Rd. – Hwy. 206 (Widening) (S) was held at the First Baptist Church Valley Springs (Family Life Center) in Valley Springs, Arkansas from 4:00 – 7:00 p.m. on Tuesday, August 5, 2014. Efforts to involve minorities and local property owners in the meeting(s) included:

- Display ad placed in the Harrison Daily Times on July 26 and August 2, 2014
- Letters to public officials mailed on July 23, 13 days prior to the meeting
- Meeting notice flier mailed to adjacent property owners July 24, 12 days prior to the meeting
- Meeting notice flier distributed door-to-door July 30, 7 days prior to the meeting
- News release distributed by the Arkansas State Highway and Transportation Department on August 1, 5 days prior to the meeting
- Meeting notice flier posted on ConnectingArkansasProgram.com and ArkansasHighways.com on July 16

The following information was available for inspection and comment. Small-scale copies of the displays are attached to this synopsis.

- Two aerial photograph roll plots at a scale of 1" = 100', illustrating the entire length of the proposed project
- Two 36" x 48" aerial photographs on mounted boards at a scale of 1" = 500', illustrating the entire length of the proposed project
- Three CAP informational boards

Handouts for the public included a comment sheet and a small-scale map illustrating the project location, which was identical to the aerial photograph display. Copies of these are attached to this synopsis.

Table 1 describes the results of public participation at the meeting.

Table 1	
Public Participation	**Total**
Attendance at meeting (including AHTD and CAP staff)	**97**
Comments received	**36**

Burns & McDonnell reviewed all comments received and evaluated their contents. The summary of comments listed below reflects the personal perception or opinion of the person or organization making the statement. The sequencing of the comments is random and is not intended to reflect importance or numerical values. Some of the comments were combined and/or paraphrased to simplify the synopsis process.

An analysis of the responses received from the public survey is shown in Table 2.

Table 2	
Survey Results	**Totals**
Supports improvements to Highway 65	**27 (75%)**
Does not support improvements to Highway 65	**6 (17%)**
Knowledge of historical, archeological or cemetery sites	**4 (11%)**
Knowledge of area environmental constraints	**4 (11%)**
Suggestion to better serve the needs of the community	**11 (30%)**
Believes the project would have beneficial impacts	**8 (22%)**
Believes the project would have adverse impacts	**17 (47%)**
Total Comments Received	**36**

The following is a listing of comments concerning issues associated with this project.

Comments expressing concerns about the project:

- Three individuals commented that the project should be left as-is, one noting it is not needed because money was just spent to add the third lane
- One individual commented that the project is not needed because traffic is not bad
- One individual was concerned with safety issues due to proximity of the school to a four-lane highway
- Three individuals commented that their septic lateral lines are close to the highway or that tanks could be impacted
- Five individuals expressed concern over perceived historic resources, one being the store building at Valley, two noting the Rusty Wheels Antique Engine Club, and two noting a historic-age house
- Six individuals were concerned with impacts on property access and driveways, one specifically noting the length of construction and impacts to businesses due to access
- Eight individuals were concerned with the proximity of the widened road to their house, one specifically noting concern over the impact to property value, and two with specific concern over the loss of pasture and buildable property
- Two individuals were concerned with the proximity of relocated power lines to their house
- Three individuals were concerned with removal of trees on adjacent properties
- One individual identified property improvements that would be needed as a result of the project
- Three individuals commented that the project would have an adverse impact on the Faith Baptist Chapel
- One individual was concerned that the project would have an adverse impact on emergency vehicle access at the Valley Springs Fire Department

Comments expressing support of the project:

- Five individuals commented that the proposed project would improve traffic flow and/or safety and benefit the area, with one specifically noting the easing of congestion at the Valley Springs School
- One individual commented that the project is needed to make progress

Comments providing specific recommendations to be considered for the project:

- One individual commented that a turning lane is needed on this segment of Highway 65
- Three individuals suggested that the project would better serve the community if it includes traffic control or bypass lanes for Valley Springs School

- Three individuals suggested that the project would better serve the community if it includes driveway/access improvements
- One individual commented that additional passing zones should be constructed on Highway 65 between Clinton and Harrison

Discussion

The majority of respondents and attendees (75%) were supportive of the project and believed it would improve traffic flow along Highway 65. A particular area of congestion that was raised by several attendees was in the vicinity of Valley Springs School. Currently, there is only one thru lane so during the morning and afternoon, the queuing of vehicles turning into the school renders that lane nearly inoperable. The project will ease this situation by providing an additional lane for thru traffic. There was also interest from several attendees in the extension of these improvements southward toward Western Grove or further; these individuals understood that such improvements were being considered for future projects.

While respondents were supportive of the project, interestingly, more (47%) felt it would have adverse impacts as compared to the 22% who felt it would have beneficial impacts. The responses to this question were the result of property impacts that the widening of the roadway will cause. The concerns expressed by attendees were impacts to septic systems, proximity of the roadway to their home, the removal of their home or church, and removal of trees.

Attachments:

- Small-scale display copy of the aerial photograph board
- Blank comment form
- 11x17 map handout

N

MAXIE CAMP RD. - HWY. 206 (WIDENING) (S)
BOONE COUNTY
HIGHWAY 65
JOB CA0906

CONNECTING ARKANSAS PROGRAM
CAP

PROJECT LOCATION

Burns & McDonnell
SINCE 1898

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD)

CONNECTING ARKANSAS PROGRAM CAP

CITIZEN COMMENT FORM

AHTD JOB NUMBER CA0906
MAXIE CAMP RD. – HWY. 206 (WIDENING) (HWY. 65)
BOONE COUNTY

LOCATION:
FIRST BAPTIST CHURCH VALLEY SPRINGS (FAMILY LIFE CENTER)
4547 HOG CREEK ROAD
4:00 – 7:00 P.M.
TUESDAY, AUGUST 5, 2014

Make your comments on this form and leave it with AHTD Connecting Arkansas Program personnel at the meeting or mail it within 15 days to: AHTD Connecting Arkansas Program, Attn: Jon Hetzel, 4701 Northshore Drive, North Little Rock, AR 72118.
Email: Info@ConnectingArkansasProgram.com.

Yes	No	
☐	☐	Do you feel there is a need for the proposed widening of Hwy. 65 from Maxie Camp Road to Hwy. 206?__________
☐	☐	Do you know of any historical sites, family cemeteries, or archaeological sites in the proposed area? Please note and discuss with staff.__________
☐	☐	Do you know of any environmental constraints, such as endangered species, hazardous waste sites, existing or former landfills, or parks and public lands in the vicinity of the project? Please note and discuss with staff. __________

(Continued on back)

Yes No

☐ ☐ Do you have a suggestion that would make this proposed project better serve the needs of the community? ______________________________

____

____

____

____

Do you feel that the proposed widening project will have any impacts (☐ Beneficial or ☐ Adverse) on your property and/or community (e.g. economic, environmental, social, etc.)? Please explain. ______________

____

____

It is often necessary for the AHTD to contact property owners along potential routes. If you are a property owner along or adjacent to the route under consideration, please provide information below. Thank you.

Name :____(*Please Print*)

Address: ___________________________ Phone: (_____) _________--_________

____

____

E-mail:____

Please make additional comments here.______________________________________

____

____

____

____

____

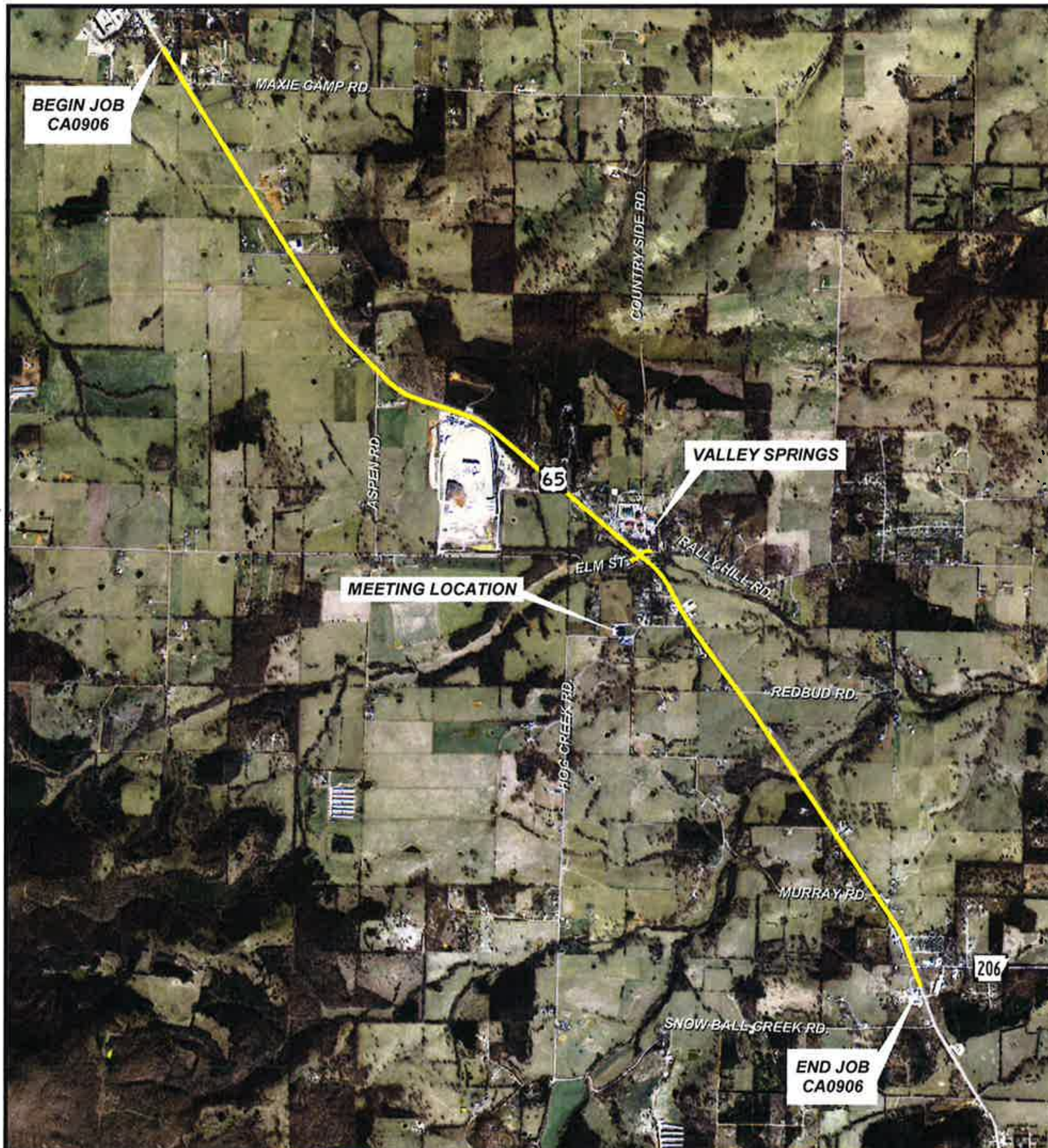
____

____

____

For additional information, please visit our website at

www.ConnectingArkansasProgram.com



NOTES:

MAXIE CAMP RD. - HWY. 206 (WIDENING) (S)

BOONE COUNTY
HIGHWAY 65

JOB CA0906

N

0 2,000 4,000
Feet

PROJECT LOCATION

CONNECTING ARKANSAS PROGRAM CAP

Burns & McDonnell SINCE 1898

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

AHTD Job Number CA0906 **FAP Number** 9991

Job Title Maxie Camp Road to Hwy. 206 (Hwy. 65 Widening)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts		X		Temporary minor impacts
Cultural Resources		X		SHPO letter attached
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains		X		Zone A, less than 1 foot rise
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts	X			
Migratory Birds	X			Nesting Site of Migratory Birds SP
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			Wellhead Protection and Water Pollution Control SPs
Relocatees		X		2 residences and 2 businesses
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		Bridge replacements; 303 feet permanently impacted; 30 feet temporarily impacted
Water Quality		X		Minor and temporary during construction
Wetlands	X			
Wildlife Refuges	X			

Section 401 Water Quality Certification Required? N

Short-term Activity Authorization Required? Y

Section 404 Permit Required? Y Type Nationwide Permit 14

5/17/2011

AHTD ENVIRONMENTAL IMPACTS ASSESSMENT FORM

Remarks: ____

____

____

Signature of Evaluator____________________ Date 7/16/2015

DATE SUBMITTED ______________

BRIDGE DESIGN INFORMATION

Job Number CA0906 FAP Number 9991 County Boone

Job Name Maxie Camp Rd. – Hwy. 206 (Hwy 65 Widening)

Design Engineer Burns & McDonnell Engineering Company, Inc.

Description of Existing Bridge:

Bridge Number None assigned over Elm Branch
Bridge Location: Rte: Elm Street (a city street intersecting Hwy. 65)
Section: 2 (Hwy. 65) Log Mile: 8.49 (Hwy. 65), 80 ft Rt.
Length: 10 ft. Br. Rdwy. width: 0 ft. Deck width (Out-to-Out) NA ft.
Type Construction: Pipe Culvert
Deficiencies Inadequate culvert length and capacity
HBRRP Eligibility: ______ Qualifying Code: ________ Sufficiency Rating: NA

Proposed Improvements:

Length: 45.23' Br. Rdwy. Width: 0' Deck Width (Out-to-out) NA
Travel Lanes: 14'-14' Shoulder Width: 1.5' Curb &Gutter
Sidewalks: Yes Location: Lt. side with 3'-0" grass berm Width: 5'-0"

Construction Information

Location in relation to existing bridge: Replacement at same location & skew
Superstructure Type: Quintuple R.C. Box Culvert
Span Lengths: 45.23'
Substructure Type: Quintuple R.C. Box Culvert

Ordinary High Water Elev. 1046.0 No. of Bents inside OHW Contours: NA
Concrete Volume below OHW: ______ yd^3 Vol. Bent Excavation: NA yd^3
Is backfill req'd? No
Is Channel excavation req'd? Yes Surface Area: 3,500 ft^2 Volume: 110 yd^3
Is fill below OHW req'd? Yes Surface Area: 1,500 ft^2 Volume: 250 yd^3
Is riprap req'd? No

Work Road Information:

Is work road(s) required? No Location: NA Top width: NA ft
Is fill below OHW req'd? NA Surface Area: NA ft^2 Volume: NA yd^3
Are pipes required to meet backwater criteria? ______________

Detour Information:

Is a detour bridge required? No Location in relation to existing bridge: NA
Length: NA Br. Rdwy. Width: NA Deck Elevation: NA
Volume of fill below OHW: NA yd^3 Surface area: NA ft^2

DATE SUBMITTED ________________

BRIDGE DESIGN INFORMATION

Job Number CA0906 FAP Number 9991 County Boone

Job Name Maxie Camp Rd. – Hwy. 206 (Hwy 65 Widening)

Design Engineer Burns & McDonnell Engineering Company, Inc.

Description of Existing Bridge:

Bridge Number A0872 over Elm Branch

Bridge Location: Rte: 65 Section: 2 Log Mile: 8.57

Length: 72 ft. Br. Rdwy. width: 40 ft. Deck width (Out-to-Out) 50 ft.

Type Construction: Concrete Tee Beam

Deficiencies Inadequate width, scour of piers, poor structural rating, deck elevation no longer met required roadway geometric design criteria

HBRRP Eligibility: ______ Qualifying Code: ________ Sufficiency Rating: 54.2 NQ

Proposed Improvements:

Length: 163'-0" Br. Rdwy. Width: 58'-0" Deck Width (Out-to-out) 74'-2"

Travel Lanes: 11'-11'-12'-11'-11' Shoulder Width: 1.5' Curb & Gutter

Sidewalks: Yes Location: Both sides with 3'-0" grass berm Width: 5'-0"

Construction Information

Location in relation to existing bridge: Same location

Superstructure Type: Continuous Composite W-Beam Unit

Span Lengths: 50'-60'-50'

Substructure Type: End bents set on piles, intermediate bents set on drilled shaft foundations

Ordinary High Water Elev. 1044.0 No. of Bents inside OHW Contours: 2

Concrete Volume below OHW: 55 yd^3 Vol. Bent Excavation: 55 yd^3

Is backfill req'd? No

Is Channel excavation req'd? Yes Surface Area: 1,300 ft^2 Volume: 120 yd^3

Is fill below OHW req'd? Yes Surface Area: 2,800 ft^2 Volume: 370 yd^3

Is riprap req'd? Yes

Work Road Information:

Is work road(s) required? Yes Location: Downstream of structure Top width: 16 ft

Is fill below OHW req'd? Yes Surface Area: 2,000 ft^2 Volume: 225 yd^3

Are pipes required to meet backwater criteria? Yes

Detour Information:

Is a detour bridge required? No Location in relation to existing bridge: NA

Length: NA Br. Rdwy. Width: NA Deck Elevation: NA

Volume of fill below OHW: NA yd^3 Surface area: NA ft^2

DATE SUBMITTED ____________

BRIDGE DESIGN INFORMATION

Job Number: CA0906 FAP Number: 9991 County: Boone

Job Name: Maxie Camp Rd. – Hwy. 206 (Hwy 65 Widening)

Design Engineer: Burns & McDonnell Engineering Company, Inc.

Description of Existing Bridge:

Bridge Number: 03736 over: Hog Creek

Bridge Location: Rte: 65 Section: 2 Log Mile: 9.58

Length: 179 ft. Br. Rdwy. width: 28 ft. Deck width (Out-to-Out) 33.4 ft.

Type Construction: Steel Stringer

Deficiencies: Inadequate width, column cracking, deck patchwork & spalling, deck elevation no longer met required roadway geometric design criteria

HBRRP Eligibility: ______ Qualifying Code: ________ Sufficiency Rating: 63.6 FO

Proposed Improvements:

Length: 202'-6" Br. Rdwy. Width: 75'-0" Deck Width (Out-to-out) 74'-2"

Travel Lanes: 12'-12'-11'-12'-12' Shoulder Width: 8'-0"

Sidewalks: No Location: NA Width: NA

Construction Information

Location in relation to existing bridge: Same location

Superstructure Type: Continuous Composite W-Beam Unit

Span Lengths: 60'-80'-60'

Substructure Type: End bents set on piles, intermediate bents set on drilled shaft foundations

Ordinary High Water Elev. 1010.0 No. of Bents inside OHW Contours: 2

Concrete Volume below OHW: 1,205 yd^3 Vol. Bent Excavation: 1,205 yd^3

Is backfill req'd? No

Is Channel excavation req'd? No Surface Area: NA ft^2 Volume: NA yd^3

Is fill below OHW req'd? No Surface Area: NA ft^2 Volume: NA yd^3

Is riprap req'd? Yes

Work Road Information:

Is work road(s) required? Yes Location: Upstream of structure Top width: 16 ft

Is fill below OHW req'd? Yes Surface Area: 2,000 ft^2 Volume: 225 yd^3

Are pipes required to meet backwater criteria? Yes

Detour Information:

Is a detour bridge required? No Location in relation to existing bridge: NA

Length: NA Br. Rdwy. Width: NA Deck Elevation: NA

Volume of fill below OHW: NA yd^3 Surface area: NA ft^2

DATE SUBMITTED ________________

DESIGN INFORMATION

Job Number___CA0906__FAP Number____9991__________County____Boone___

Job Name__Maxie Camp Rd. – Hwy. 206 (Hwy 65 Widening)________________

Design Engineer___Burns & McDonnell Engineering Company, Inc.______________

Brief Project Description__Widening of 4.5 miles of two lane roadway to five lane roadway

EXISTING CONDITIONS:

Roadway Width:__24'-48'_________Shoulder Width:__6'-8'______________________

Number of Lanes and Width:__2 to 3 12' lanes_____________________________

Average Existing ROW Width__132'__________________________________

PROPOSED CONDITIONS:

Roadway Width:__56' (urban); 59' (rural)____Shoulder Width:__8'______________

Number of Lanes and Width:__12'-12'-11'-12'-12' (rural); 11'-11'-12'-11'-11' (urban)____

Average Existing ROW Width__195'__________________________________

CONSTRUCTION INFORMATION:

If detour: Where_______Elm Street_________Length_______0.45 mile_____________

(Note: Detour is only for a portion of side street construction. There are no detours for Hwy. 65 traffic.)

DESIGN DATA:

2016 ADT 8,600 2036 ADT 11,500 %Trucks 9 Design Speed 60(rural); 45(urban) mph

Approximate total length of project: ________________________4.5 mile(s)

Justification for improvements: To increase both safety and capacity of this major arterial

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

REPLY TO
ATTENTION OF

MAR 10 2015

Regulatory Division

FILE No. **SWL 2015-00027**

Mr. Ray Balentine
CAP Environmental Manager
Arkansas Highway and Transportation Department
PO Box 2261
Little Rock, Arkansas 72203-2261

Dear Mr. Balentine:

Please refer to your letter concerning a delineation and jurisdictional determination (JD) titled, Wetland Delineation Report, Highway 65 Widening: Maxie Camp Road to Highway 123, dated May 2014, and performed by your contractor, Burns and McDonnell. The project begins approximately 1.5 miles north of Valley Springs, in section 29, T. 18 N., R. 19 W., and extends to just south of Western Grove in section 25, T. 17 N., R. 19 W., Boone and Newton Counties, Arkansas. Total project length is approximately 7.5 miles. Approximately 4,174 linear feet of potentially jurisdictional streams and approximately 0.4 acres of potentially jurisdictional ponds were identified in the Report. We have enclosed project location maps that show the pond and stream locations and two tables from the contractor's report with some of our field notes. This letter will provide information on the extent of the waters of the United States, including wetlands, on the property and the Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act.

We inspected the site with Ms. Kayti Ewing of the Arkansas Highway and Transportation Department (AHTD) on November 4, 2014. Our site inspection revealed that the property contains areas that meet the definition of waters of the United States, as determined by the Corps of Engineers Jurisdictional Determination Form Instructional Guidebook, appropriate guidance, and Department of the Army regulations. Our inspection determined that approximately 2,817 linear of feet of streams are jurisdictional waters of the United States. The following is a brief summary of what we determined to be jurisdictional in each of the areas identified in the Report.

a. We concur with the Report that Ponds 1, 2, 3 and 4 are not jurisdictional and there are no wetlands within the proposed highway right-of-way for this project.

b. We concur with the Report that Streams 4, 6 (Snowball Branch), 7 (Hog Creek), 8 (Elm Branch), and 9 are jurisdictional.

c. We concur with the Report that Streams 1, 2, 3 and 10 are not jurisdictional.

d. We do not concur that Stream 5 is ephemeral and non-jurisdictional. We noted a defined bed and bank, and pools of water upstream from Highway 65. Therefore, we determined that it is intermittent and jurisdictional.

This letter contains an approved jurisdictional determination (AJD) for the subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Southwestern Division Office at the following address:

Mr. Elliott Carman
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. If you have any questions regarding the appeals process, you can contact Mr. Elliott Carman at 469-487-7061.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Your cooperation in the Regulatory Program is appreciated. If you have any questions, please contact Mr. Johnny McLean at (501) 324-5295 and refer to Project No. **SWL 2015-00027, U.S. Highway 65 Widening from Valley Springs to Western Grove.**

Sincerely,

Sarah Chitwood
Sarah Chitwood
Chief, Regulatory Evaluation Branch

Enclosures

Copy Furnished:
Burns and McDonnell, w/cy encls.
AHTD, Mr. Josh Seagraves w/cy encls.

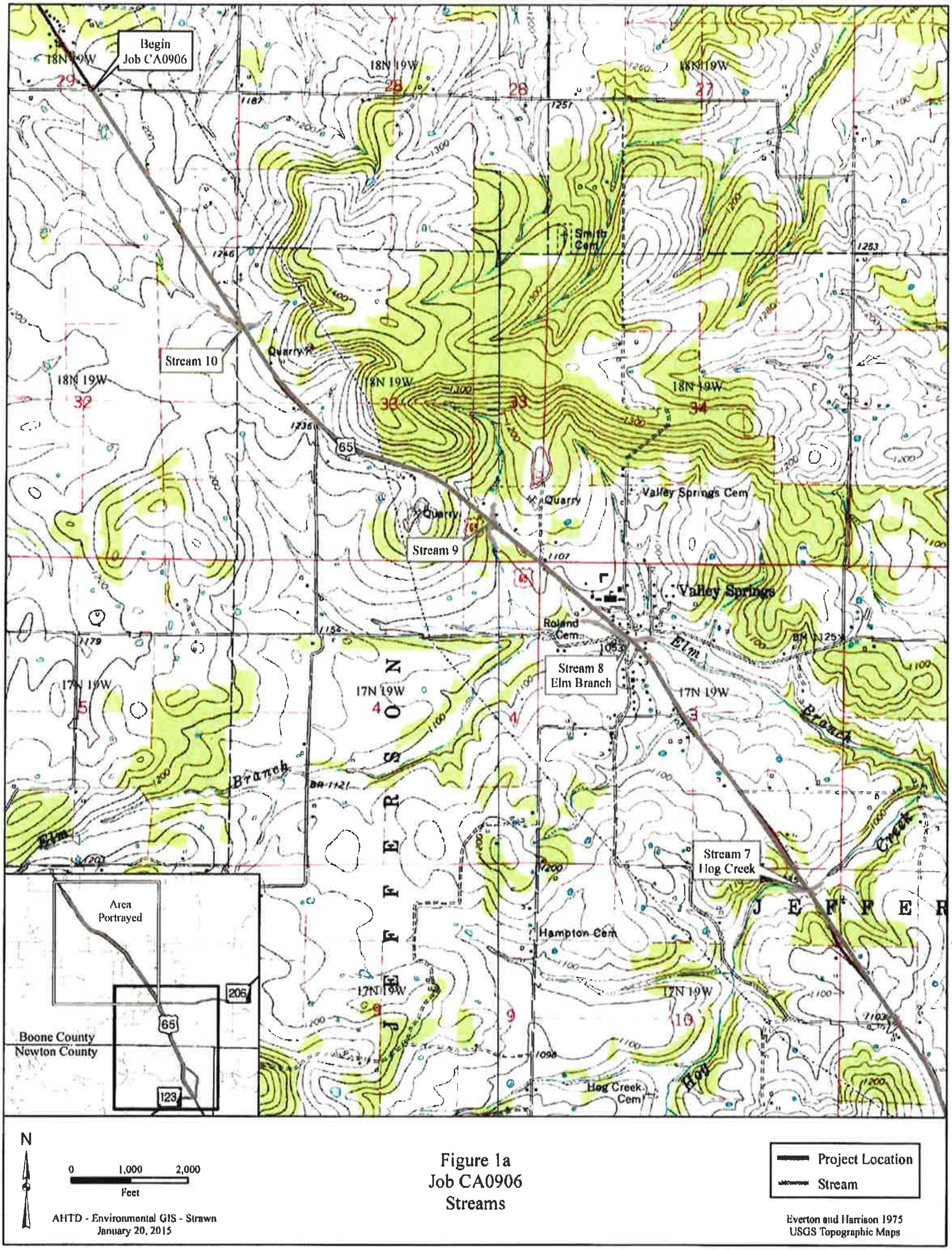
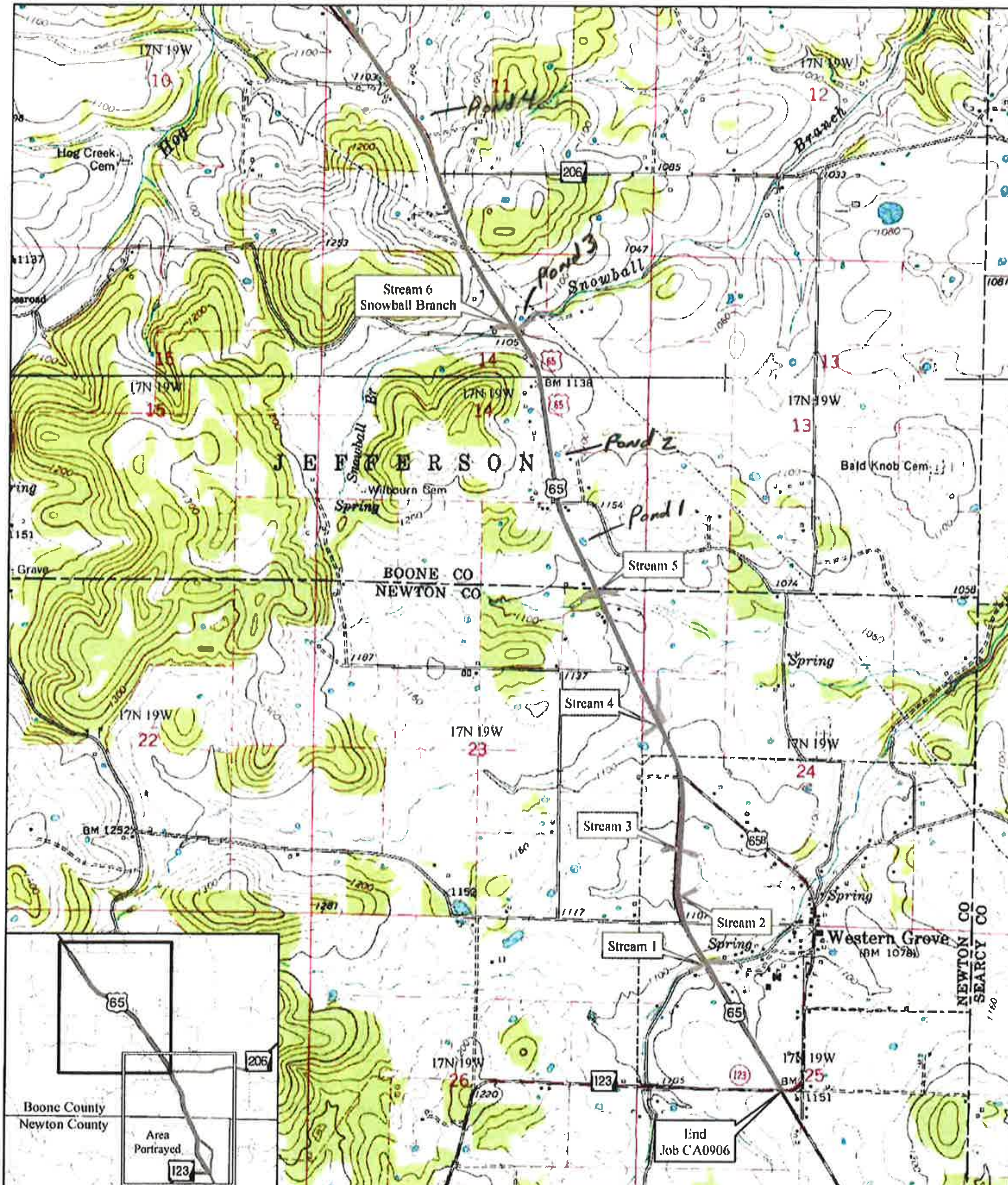


Figure 1a
Job CA0906
Streams

AHTD - Environmental GIS - Strawn
January 20, 2015

Everton and Harrison 1975
USGS Topographic Maps



N

0 1,000 2,000
Feet

AHTD - Environmental GIS - Strawn
January 20, 2015

Figure 1b
Job CA0906
Streams

Project Location
Stream

Everton and Western Grove 1975
USGS Topographic Maps

Table 2: Type and Size of Ponds Identified within the Survey Area

Pond Number	Potentially Jurisdictional?	Area (acre)
P-1	No ✓	0.110
P-2	No ✓	0.107
P-3	No ✓	0.111
P-4	No ✓	0.075
	Total:	**0.403**

Table 3: Type and Length of Streams Identified within the Survey Area

Stream Number	Stream Type	Potentially Jurisdictional?	Delineated Length of Stream (linear feet)*
S-1	Ephemeral	No ✓	331
S-2	Ephemeral	No ✓	198
S-3	Ephemeral	No ✓	324
S-4	Ephemeral	Yes ✓	582
S-5	Ephemeral - Intermittent	No X	331
S-6 - Snowball	Intermittent	Yes ✓	432
S-7 - Hog	Perennial	Yes ✓	326
S-8 - Elm	Perennial	Yes ✓	772
S-9	Ephemeral	Yes ✓	374
S-10	Ephemeral	No ✓	504
		Total:	**4,174**

* Length of stream delineated within the Survey Area

Streams

Stream 1 (S-1). Stream 1 is an ephemeral stream that flows southeast below Highway 65 (Figure 4, Appendix I; Photographs 6 and 7, Appendix III). The channel averages approximately two to five feet in width. S-1 ran parallel with Circle Street. The substrate of S-1 consists primarily of rocks and gravel. Riparian vegetation adjacent to the stream channel and on the banks included giant ragweed, mustang grape, eastern red cedar, hackberry, Chinese privet (*Ligustrum sinense)*, and greenbrier. Due to lack of a well-defined OWHM, S-1 would not be considered potentially jurisdictional and would not be regulated under Section 404 of the CWA.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 1/16/15

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Little Rock, U.S. Hwy. 65 Widening East of Harrison, SWL 2015-00027

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Arkansas County/parish/borough: Boone and Newton City: Harrison
Center coordinates of site (lat/long in degree decimal format): Lat. 36.1559° **N**, Long. -92.9923° **W**.
Universal Transverse Mercator: Northing 4001239 Easting 500692
Name of nearest waterbody: Unnanmed Streams 1, 2, 3, 4, 9 and 10

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: White River
Name of watershed or Hydrologic Unit Code (HUC): Bull Shoals Lake 11010003
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 1/14/15
☒ Field Determination. Date(s): 11/4/14

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☒ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: ~1,000 linear feet: 5-10 width (ft) and/or acres.
      Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM.**
      Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Streams 1, 2, 3 and 10 are ephemeral streams that were determined to be non-jurisdictional since they lacked a clearly defined bed, bank and continuous ordinary high water mark.**

---

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW: .

   Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) General Area Conditions:
   Watershed size: 2,600 **square miles**
   Drainage area: 20-40 **acres**
   Average annual rainfall: 48 inches
   Average annual snowfall: 4 inches

   (ii) Physical Characteristics:
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☒ Tributary flows through **3** tributaries before entering TNW.

   Project waters are **30 (or more)** river miles from TNW.
   Project waters are **1 (or less)** river miles from RPW.
   Project waters are **30 (or more)** aerial (straight) miles from TNW.
   Project waters are **1 (or less)** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: Streams 1, 2, 3 and 4 flow into Marshal Branch, Marshal Branch flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River. Stream 9 flows into Elm Branch, Elm

---

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Branch Flows into Hog Creek, Hog Creek flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River. Stream 10 flows into Huzzah Creek, Huzzah Creek flows into Crooked Creek, Crooked Creek flows into the White River.
Tributary stream order, if known: All of these streams are first order streams.

(b) General Tributary Characteristics (check all that apply):
Tributary is: ☒ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: 5-10 feet
Average depth: 0.1-0.5 feet
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):
☐ Silts ☐ Sands ☐ Concrete
☒ Cobbles ☒ Gravel ☐ Muck
☒ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The three tributaries appear to be stable.
Presence of run/riffle/pool complexes. Explain: These intermittent streams do not possess run/riffle/pool complexes.
Tributary geometry: **Meandering**
Tributary gradient (approximate average slope): 10 %

(c) Flow:
Tributary provides for: **Ephemeral flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: Stream 4 and Stream 9 likely flow for at least 1-2 weeks following rain events. Streams 1, 2, 3 and 10 likely flow for only 1-2 days following rain events.
Other information on duration and volume: .

Surface flow is: **Confined.** Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):
☒ clear, natural line impressed on the bank ☒ the presence of litter and debris
☐ changes in the character of soil ☒ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☒ leaf litter disturbed or washed away ☒ scour
☒ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☒ Discontinuous OHWM.[7] Explain: Streams 1, 2, 3 and 10 did not exhibit a continuous consistent ordinary high water mark.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Water in the tributaries is clear.

Identify specific pollutants, if known: The streams likely receive some pollutants from roadway runoff and some pollutants from adjacent pasturelands.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

☒ Riparian corridor. Characteristics (type, average width): The riparian corridor consists of narrow strips of trees adjacent to pastures. The average width is 10 to 20 feet.

☐ Wetland fringe. Characteristics: .

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Aquatic and wildlife species would generally consist of macroinvertebrates and a few species of mammals, birds, reptiles and amphibians that utilize the stream corridors for foraging, etc.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: .

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

☐ Riparian buffer. Characteristics (type, average width): .

☐ Vegetation type/percent cover. Explain: .

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: Stream 4 and Stream 9 are part of the White River tributary network. Both streams are well defined channels that flow for several days to several weeks following rain events. Both convey water to the White River tributaries. They have the potential to transport nutrients and pollutants to the White River or to retain nutrients and pollutants where they can be process and broken down before reaching the White River. They also likely provide some habitat for some macroinvertebrates which are able to complete their life cycles in a short period of time. They also provide travel corridors for small mammals, birds, reptiles and amphibians which utilize these corridors for foraging and rearing young. Many of these animals likely utilize these streams during the winter and spring when they possess the most water and then migrate downstream to utilize the larger tributaries during the summer and fall. Streams 1, 2, 3 and 10 did not exhibit a clearly defined bed or bank or a continuous ordinary high water mark. After a rainfall event, these streams likely only flow for 1 to 2 days. They do not have the potential to transport nutrients and pollutants to the White River and they provide little or no habitat for aquatic animals since their flow duration is so limited.

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   ☐ Tributary waters: linear feet width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   ☒ Tributary waters: **~1000** linear feet **5-10** width (ft).
   ☐ Other non-wetland waters: acres.
   Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

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[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **Ephemeral Streams 1, 2, 3 and 10 did not exhibit a clearly defined bed, bank or continuous ordinary high water mark. Therefore, we determined that there is not a significant nexus with the White River.**
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): **~1,000** linear feet, **5-10** width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☐ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: Harrison, Everton and Western Grove 1:24000.
☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
☐ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .

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[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2014.
or ☒ Other (Name & Date): Still photos by Burns and McDonnell on 11/19/13 and by USACE 11/4/14.
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: The approximate stream lengths for Streams 4 and 9, within the proposed highway right-of-way are as follows: Stream 4 is 583 feet, Stream 9 is 374 feet. Stream 4 flows into Marshal Branch, Marshal Branch flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River. Stream 9 flows into Elm Branch, Elm Branch Flows into Hog Creek, Hog Creek flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River. Both streams have a clearly defined bed, bank, and ordinary high water mark, and both flow for several days to several weeks following rain events. Both streams are clearly are part of the tributary network of the Upper White River. They both have the potential to affect the chemical and biological integrity of the White River. The approximate stream lengths for Streams 1, 2, 3 and 10, within the proposed highway right-of-way are as follows: Stream 1 is 331 feet, Stream 2 is 198 feet, Stream 3 is 324 feet, Stream 10 is 504 feet. Streams 1, 2, 3 and 10 did not exhibit a clearly defined bed or bank or continuous ordinary high water mark and only flow for a short period following rain events; therefore, they do not have the potential to affect the physical, chemical or biological integrity of the White River.

John McLean
1/16/15

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 1/16/15

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Little Rock, U.S. Hwy. 65 Widening East of Harrison, SWL 2015-00027

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: Arkansas County/parish/borough: Boone and Newton City: Harrison
Center coordinates of site (lat/long in degree decimal format): Lat. 36.1559° N, Long. -92.9923° W.
Universal Transverse Mercator: Northing 4001239 Easting 500692
Name of nearest waterbody: Hog Creek (S-7), Elm Branch (S-8), Snowball Branch (S-6) and Stream 5 (S-5)
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: White River
Name of watershed or Hydrologic Unit Code (HUC): Bull Shoals Lake 11010003
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
☒ Office (Desk) Determination. Date: 1/14/15
☒ Field Determination. Date(s): 11/4/14

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** *"waters of the U.S."* within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   ☐ TNWs, including territorial seas
   ☐ Wetlands adjacent to TNWs
   ☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   ☐ Non-RPWs that flow directly or indirectly into TNWs
   ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   ☐ Impoundments of jurisdictional waters
   ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: ~2,000 linear feet: 10-20 width (ft) and/or acres.
   Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM.**
   Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **There were four upland ponds designated as P-1 through P-4 which are not jurisdictional.**

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[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
Identify TNW: .

Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**
Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

(i) General Area Conditions:
Watershed size: 2,600 **square miles**
Drainage area: 2-4 **square miles**
Average annual rainfall: 48 inches
Average annual snowfall: 4 inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through 3 tributaries before entering TNW.

Project waters are **30 (or more)** river miles from TNW.
Project waters are **1 (or less)** river miles from RPW.
Project waters are **30 (or more)** aerial (straight) miles from TNW.
Project waters are **1 (or less)** aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW[5]: Stream 5 flows into Marshall Branch, Marshal Branch flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River. Snowball Branch flows into Hog Creek, Hog Creek flows into Clear Creek, Clear Creek flows into Crooked Creek, Crooked Creek flows into the White River .
Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: 10-15 feet
Average depth: 0.5-1.0 feet
Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☒ Cobbles ☒ Gravel ☐ Muck
☒ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stream 5 and Snowball Branch appear to be stable.
Presence of run/riffle/pool complexes. Explain: These intermittent streams do not possess run/riffle/pool complexes.
Tributary geometry: **Meandering**
Tributary gradient (approximate average slope): 10 %

(c) Flow:

Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **20 (or greater)**
Describe flow regime: Snowball Branch and Stream 5 flow during the winter, spring and early summer, but only consist of intermittent pools during the summer and fall.
Other information on duration and volume: .

Surface flow is: **Confined.** Characteristics: .

Subsurface flow: **Unknown.** Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☒ clear, natural line impressed on the bank ☒ the presence of litter and debris
☐ changes in the character of soil ☒ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☒ leaf litter disturbed or washed away ☒ scour
☒ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

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[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.
[6] A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7] Ibid.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water in the triburies is clear.

Identify specific pollutants, if known: The streams likely receive some pollutants from roadway runoff and some pollutants from adjacent pasturelands.

(iv) Biological Characteristics. Channel supports (check all that apply):

☒ Riparian corridor. Characteristics (type, average width): The riparion corridor consists of narrow strips of trees adjacent to pastures. The average width is 10 to 20 feet.

☐ Wetland fringe. Characteristics: .

☒ Habitat for:

☐ Federally Listed species. Explain findings: .

☒ Fish/spawn areas. Explain findings: Some small fish species likely utilize the streams for spawning during the spring.

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: Aquatic and wildlife species would generally consist of macroinvertebrates, small fish species and a few species of mammals, birds, reptiles and amphibians.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain: .

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

☐ Riparian buffer. Characteristics (type, average width): .

☐ Vegetation type/percent cover. Explain: .

☐ Habitat for:

☐ Federally Listed species. Explain findings: .

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☐ Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☐ TNWs: linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Hog Creek and Elm Branch are perennial streams. We noted surface flows on 11/4/14 and the consultant noted surface flows on 11/19/13 and there had been very little rainfall immediately preceding these dates.
   ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Intermittent pools were noted in Stream 5 and Snowball Branch on 11/4/14. Also, the culverts beneath the existing roadway indicate that both streams transport high volumes of water during certain times of the year.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: **2,000** linear feet **10-20** width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

---

[8]See Footnote # 3.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☒ Other: (explain, if not covered above): **Four upland ponds, P1 through P4 were identified on the subject property. No stream channels were identified on the upstream side or downstream side of the ponds.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: Everton and Western Grove 1:24000.

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .

☐ National wetlands inventory map(s). Cite name: .

☐ State/Local wetland inventory map(s): .

☐ FEMA/FIRM maps: .

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2014.

or ☒ Other (Name & Date): Still photos by Burns and McDonnell on 11/19/13 and by USACE 11/4/14.

☐ Previous determination(s). File no. and date of response letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: The approximate stream lengths within the proposed highway right-of-way are as follows: Stream 5 is 331 feet, Stream 6 is 432 feet, Stream 7 is 326 feet, Stream 8 is 772 feet. Ponds 1, 2, 3 and 4 are ponds that were constructed in uplands and they are not jurisdictional. Hog Creek and Elm Branch are perennial streams. Stream 5 and Snowball Branch are intermittent streams that flow seasonally. Stream 5 and Snowball Branch eventually flow into Hog Creek, Hog Creek flows into Clear Creek, Clear Creek flows into Crooked Creek and Crooked Creek flows into the White River which has been designated a Traditionally Navigable Water by the Little Rock District Corps of Engineers.

Johnny McLean
1/16/15

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: **Ark. Hw. & Transportation Dept.**	File Number: **SWL 2015-00027**	Date:
Attached is:		See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
✓	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:	If you only have questions regarding the appeal process you may also contact: Mr. Elliott Carman Administrative Appeals Review Officer (CESWD-PD-O) U.S. Army Corps of Engineers 1100 Commerce Street, Suite 831 Dallas , Texas 75242-1317 469-487-7061

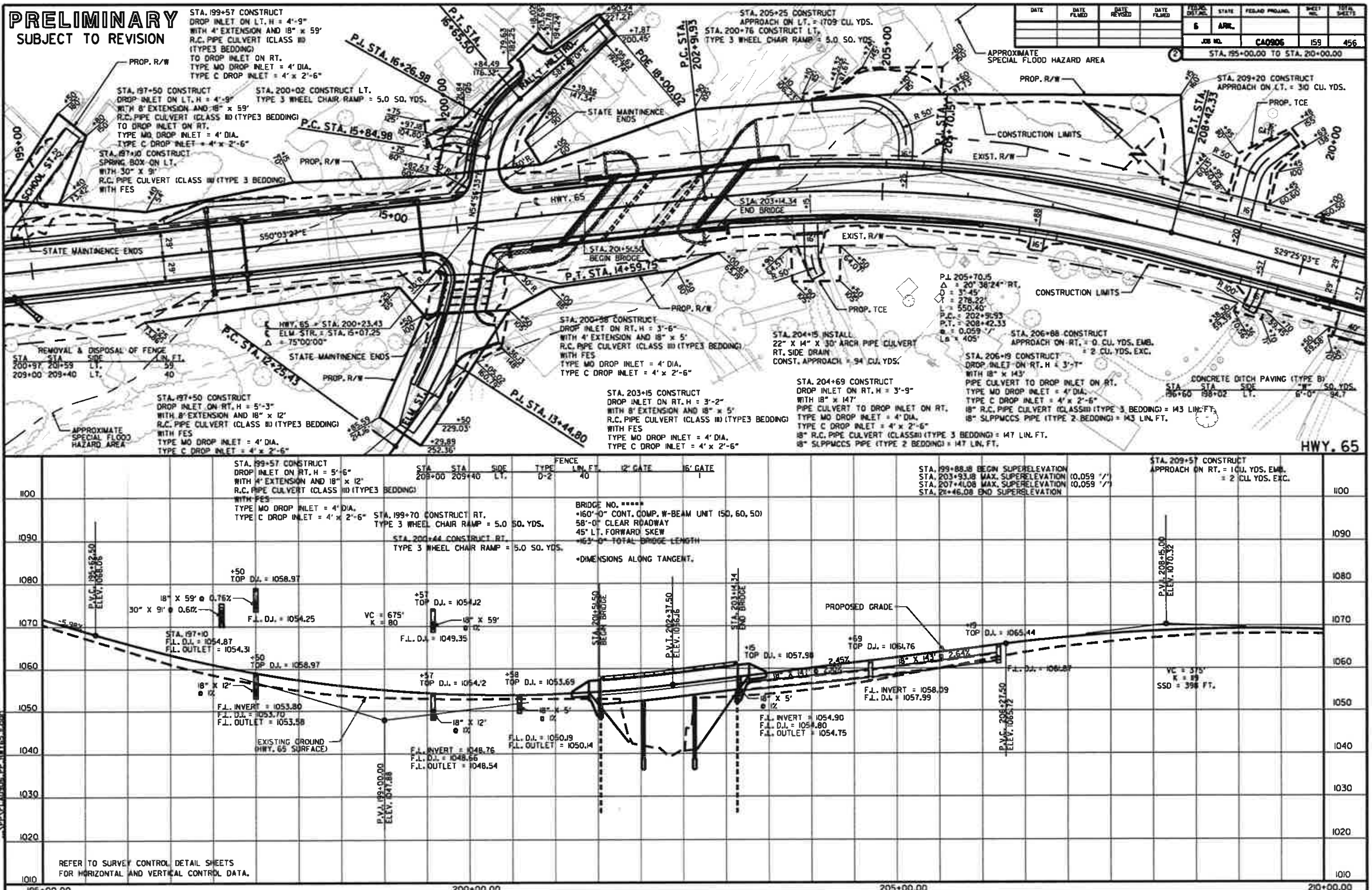
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

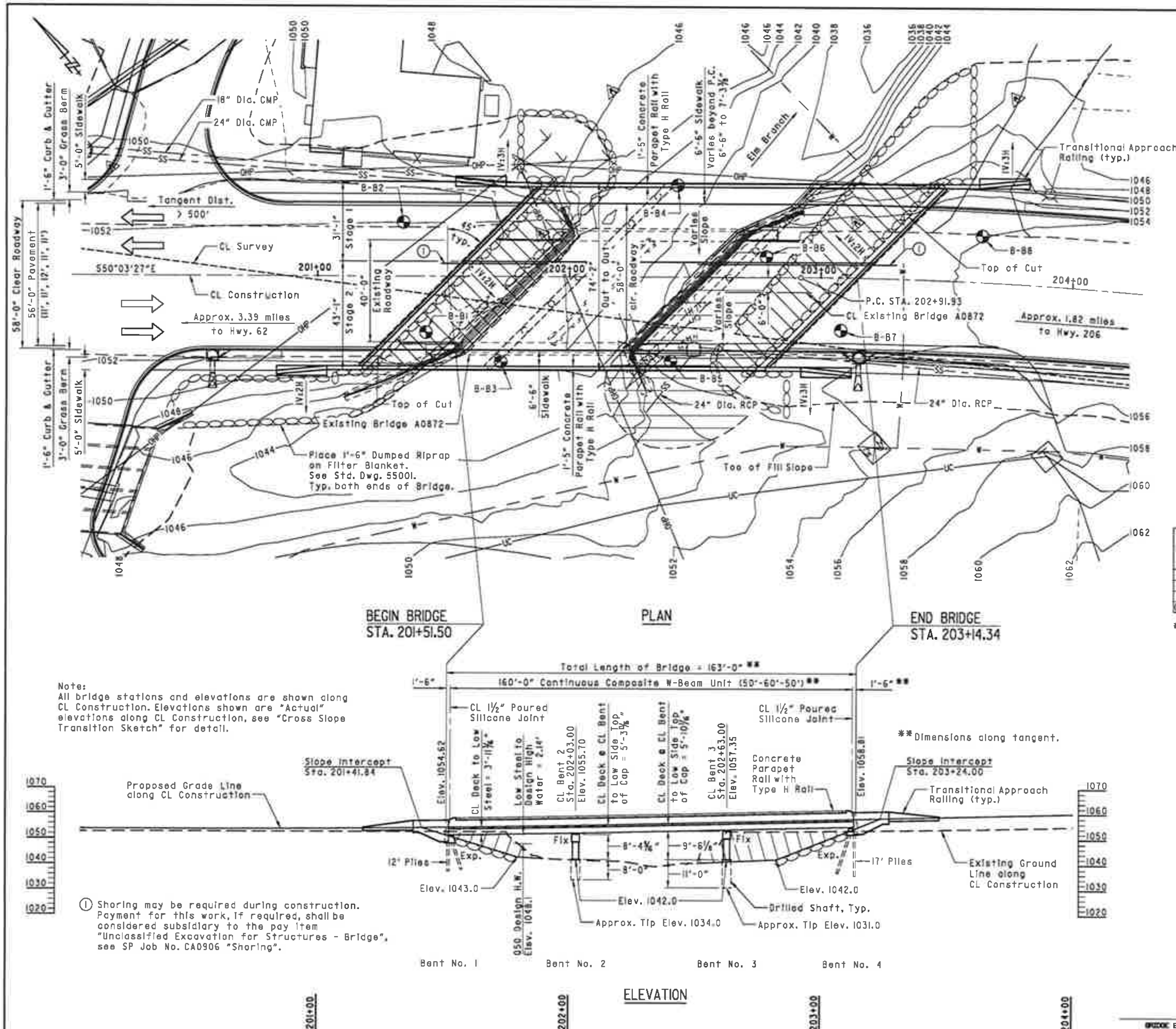
CA0906 Maxie Camp Rd. – Hwy. 123 (Widening)
Estimated Stream Impacts of the Preferred Alternative

Stream Number	Estimated Length within Proposed Construction Limits (feet)	Estimated Impacts within Proposed Construction Limits (feet)*
Stream 7 (Hog Creek)	0	30 (temporary)
Stream 8 (Elm Branch)	115	87 (permanent)
Stream 9	329	216 (permanent)
	Total:	**303 (permanent)**

* Estimated without length of previously culverted sections of the streams.


PRELIMINARY
SUBJECT TO REVISION
STA. 199+57 CONSTRUCT DROP INLET ON LT. H = 4'-9" WITH 4' EXTENSION AND 18" x 59' R.C. PIPE CULVERT (CLASS III) (TYPE3 BEDDING) TO DROP INLET ON RT. TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6"
STA. 197+50 CONSTRUCT DROP INLET ON LT. H = 4'-9" WITH 8' EXTENSION AND 18" x 59' R.C. PIPE CULVERT (CLASS III) (TYPE3 BEDDING) TO DROP INLET ON RT. TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6"
STA. 197+10 CONSTRUCT SPRING BOX ON LT. WITH 30" x 91' R.C. PIPE CULVERT (CLASS III) (TYPE 3 BEDDING) WITH FES
STA. 200+02 CONSTRUCT LT. TYPE 3 WHEEL CHAIR RAMP = 5.0 SQ. YDS.
STA. 205+25 CONSTRUCT APPROACH ON LT. = 1709 CU. YDS.
STA. 200+76 CONSTRUCT LT. TYPE 3 WHEEL CHAIR RAMP = 5.0 SQ. YDS.
APPROXIMATE SPECIAL FLOOD HAZARD AREA
STA. 209+20 CONSTRUCT APPROACH ON LT. = 30 CU. YDS.
P.I. STA. 16+26.98
P.T. STA. 16+65.50
P.C. STA. 15+84.98
P.C. STA. 202+91.93
POE 18+00.02
P.I. STA. 205+70.15
P.T. STA. 208+42.33
P.T. STA. 14+59.75
P.C. STA. 12+25.43
P.I. STA. 13+44.80
STA. 203+14.34 END BRIDGE
STA. 201+51.50 BEGIN BRIDGE
HWY. 65 = STA. 200+23.43
ELM STR. = STA. 15+07.25
Δ = 75°00'00"
P.I. 205+70.15 Δ = 20° 38'24" RT. D = 3° 45' T = 278.22' L = 550.40' P.C. = 202+91.93 P.T. = 208+42.33 e = 0.059 '/' Ls = 405'
REMOVAL & DISPOSAL OF FENCE
STA. 197+50 CONSTRUCT DROP INLET ON RT. H = 5'-3" WITH 8' EXTENSION AND 18" x 12' R.C. PIPE CULVERT (CLASS III) (TYPE3 BEDDING) WITH FES TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6"
STA. 200+58 CONSTRUCT DROP INLET ON RT. H = 3'-6" WITH 4' EXTENSION AND 18" x 5' R.C. PIPE CULVERT (CLASS III) (TYPE3 BEDDING) WITH FES TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6"
STA. 203+15 CONSTRUCT DROP INLET ON RT. H = 3'-2" WITH 8' EXTENSION AND 18" x 5' R.C. PIPE CULVERT (CLASS III) (TYPE3 BEDDING) WITH FES TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6"
STA. 204+15 INSTALL 22" X 14" X 30' ARCH PIPE CULVERT RT. SIDE DRAIN CONST. APPROACH = 94 CU. YDS.
STA. 204+69 CONSTRUCT DROP INLET ON RT. H = 3'-9" WITH 18" x 147' PIPE CULVERT TO DROP INLET ON RT. TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6" 18" R.C. PIPE CULVERT (CLASSIII) (TYPE 3 BEDDING) = 147 LIN. FT. 18" SLPPMCCS PIPE (TYPE 2 BEDDING) = 147 LIN. FT.
STA. 206+88 CONSTRUCT APPROACH ON RT. = 0 CU. YDS. EMB. = 2 CU. YDS. EXC.
STA. 206+19 CONSTRUCT DROP INLET ON RT. H = 3'-7" WITH 18" x 143' PIPE CULVERT TO DROP INLET ON RT. TYPE MO DROP INLET = 4' DIA. TYPE C DROP INLET = 4' x 2'-6" 18" R.C. PIPE CULVERT (CLASSIII) (TYPE 3 BEDDING) = 143 LIN. FT. 18" SLPPMCCS PIPE (TYPE 2 BEDDING) = 143 LIN. FT.
CONCRETE DITCH PAVING (TYPE B)
CONSTRUCTION LIMITS
EXIST. R/W
PROP. R/W
PROP. TCE
STATE MAINTENANCE ENDS
HWY. 65
STA. 199+57 CONSTRUCT APPROACH ON RT. = 1 CU. YDS. EMB. = 2 CU. YDS. EXC.
STA. 199+88.18 BEGIN SUPERELEVATION
STA. 203+93.18 MAX. SUPERELEVATION (0.059 '/')
STA. 207+41.08 MAX. SUPERELEVATION (0.059 '/')
STA. 211+46.08 END SUPERELEVATION
STA. 199+70 CONSTRUCT RT. TYPE 3 WHEEL CHAIR RAMP = 5.0 SQ. YDS.
STA. 200+44 CONSTRUCT RT. TYPE 3 WHEEL CHAIR RAMP = 5.0 SQ. YDS.
BRIDGE NO. *****
*160'-0" CONT. COMP. W-BEAM UNIT (50, 60, 50)
58'-0" CLEAR ROADWAY
45° LT. FORWARD SKEW
*163'-0" TOTAL BRIDGE LENGTH
*DIMENSIONS ALONG TANGENT.
P.V.C. 195+62.50 ELEV. 1068.06
P.V.I. 199+00.00 ELEV. 1047.88
P.V.I. 202+37.50 ELEV. 1056.16
P.V.C. 206+27.50 ELEV. 1065.72
P.V.I. 208+15.00 ELEV. 1070.32
VC = 675' K = 80
VC = 375' K = 89 SSD = 398 FT.
PROPOSED GRADE
EXISTING GROUND (HWY. 65 SURFACE)
REFER TO SURVEY CONTROL DETAIL SHEETS FOR HORIZONTAL AND VERTICAL CONTROL DATA.
6 ARK. CA0906 159 456
STA. 195+00.00 TO STA. 210+00.00
195+00.00
200+00.00
205+00.00
210+00.00

DATE REVISED	DATE FILMED	DATE REVISED	DATE FILMED	FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
				6	ARK.			
				JOB NO.		CA0906	182	456
				① 07341		LAYOUT		56613



Note:
All bridge stations and elevations are shown along CL Construction. Elevations shown are "Actual" elevations along CL Construction, see "Cross Slope Transition Sketch" for detail.

** Dimensions along tangent.

① Shoring may be required during construction. Payment for this work, if required, shall be considered subsidiary to the pay item "Unclassified Excavation for Structures - Bridge", see SP Job No. CA0906 "Shoring".

PRELIMINARY
SUBJECT TO REVISION

NOTES:

For R/W data, see Roadway Plans.

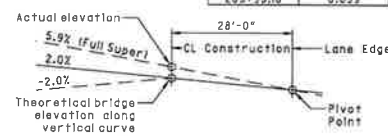
Slab drains required along right gutter line. See Dwg. 56638.

The Contractor shall remove the embankment at the existing bridge ends as shown using 1V:2H slopes. Cut to Elev. 1043.0 at beginning of bridge and to Elev. 1042.0 at end of bridge. Approx. 925 cu. yds. of excavation.

HORIZONTAL CURVE DATA

P.I. Sta. 205+70.15
Δ = 20°38'24" Rt.
D = 3°45'
T = 278.22'
L = 550.40'

STATION	CROSS SLOPE LEFT	CROSS SLOPE RIGHT
199+88.18	-0.02	-0.02
200+56.82	0.00	-0.02
201+25.47	0.02	-0.02
203+93.18	0.059	-0.059



CROSS SLOPE TRANSITION SKETCH
Looking Ahead

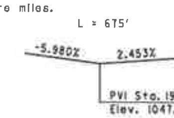
HYDRAULIC DATA

FLOOD DESCRIPTION	FREQUENCY	DISCHARGE	* NATURAL WATER SURFACE ELEVATION	WATER SURFACE ELEVATION WITH BACKWATER
	YEARS	CFS	FEET	FEET
DESIGN	50	2570	1047.4	1048.1
BASE	100	2960	1047.7	1048.5
EXTREME	500	3950	1048.6	1049.5
OVERTOPPING	>500	-	-	-

* Unconstricted water surface without structure or roadway approaches.

Q100 backwater elevation for existing structure = Elev. 1050.6
Proposed low bridge chord = Elev. 1050.24

Drainage area - 4.0 square miles.
Historical H.W. = Elev. 1051.5



Theoretical Elevation along CL Construction. See "Cross Slope Transition Sketch"

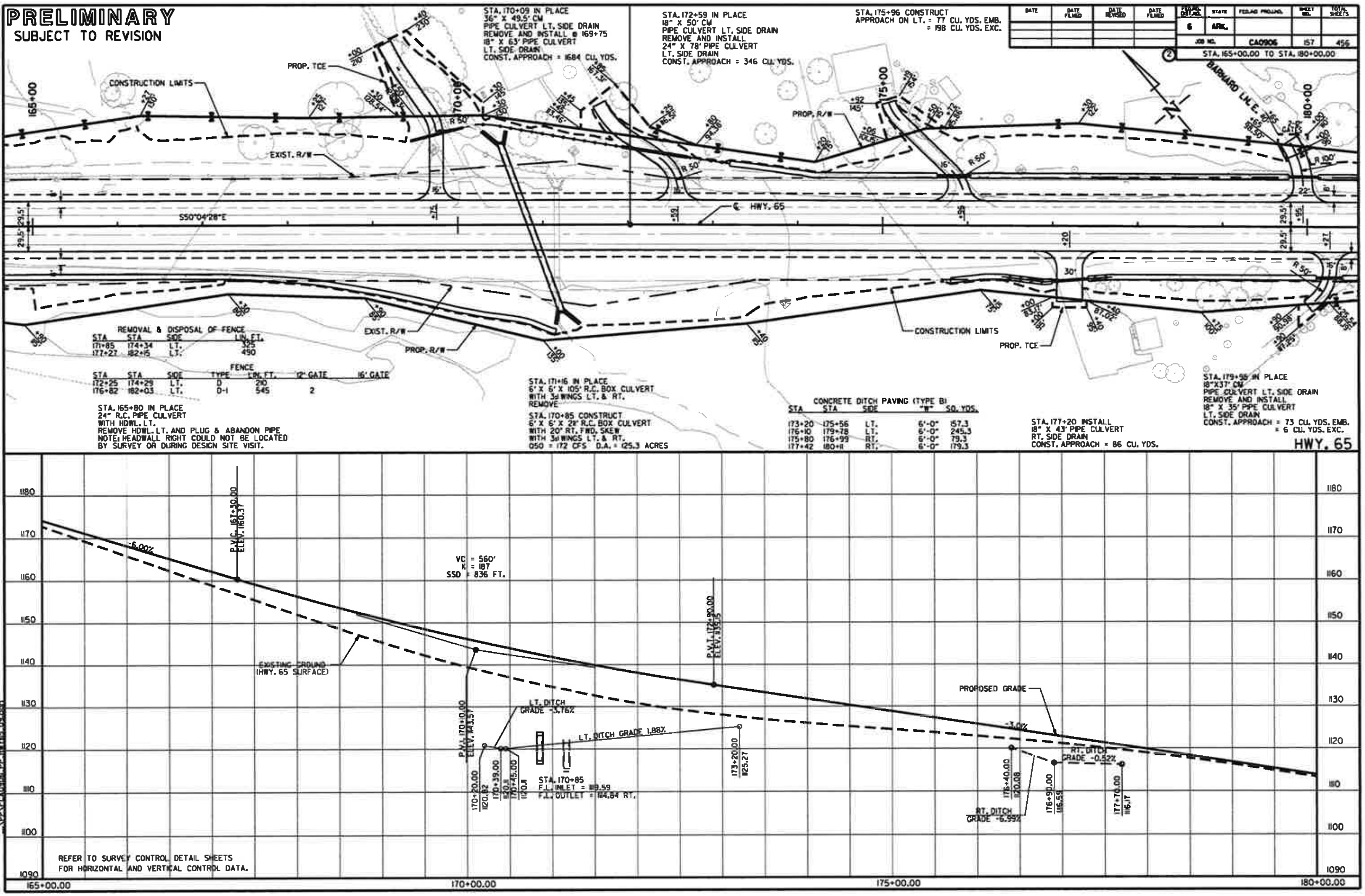
VERTICAL CURVE DATA

SHEET 1 OF 3
LAYOUT OF
BRIDGE OVER ELM BRANCH
MAXIE CAMP RD. - HWY. 206 (WIDENING) (S)
BOONE COUNTY
HWY. 65 SEC. 2

ARKANSAS STATE HIGHWAY COMMISSION
LITTLE ROCK, ARK.

DRAWN BY: TLW DATE: 12/23/14 FILENAME: bCA0906xl_LI.dgn
CHECKED BY: JDS DATE: 12/23/14 SCALE: 1" = 20'
DESIGNED BY: TG DATE: 12/23/14
BRIDGE NO. 07341 DRAWING NO. 56613

BRIDGE ENGINEER



DATE	DATE FILMED	DATE REVISED	DATE FILMED	FED. RD. DIST. NO.	STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
				6	ARK.			
				JOB NO.		CA0906	157	456

REMOVAL & DISPOSAL OF FENCE

STA	STA	SIDE	LIN. FT.
171+85	174+34	LT.	325
177+27	182+15	LT.	490

FENCE

STA	STA	SIDE	TYPE	LIN. FT.	12' GATE	16' GATE
172+25	174+29	LT.	D	210		
176+82	182+03	LT.	D-1	545	2	

CONCRETE DITCH PAVING (TYPE B)

STA	STA	SIDE	"W"	SQ. YDS.
173+20	175+56	LT.	6'-0"	157.3
176+10	179+78	LT.	6'-0"	245.3
175+80	176+99	RT.	6'-0"	79.3
177+42	180+11	RT.	6'-0"	179.3

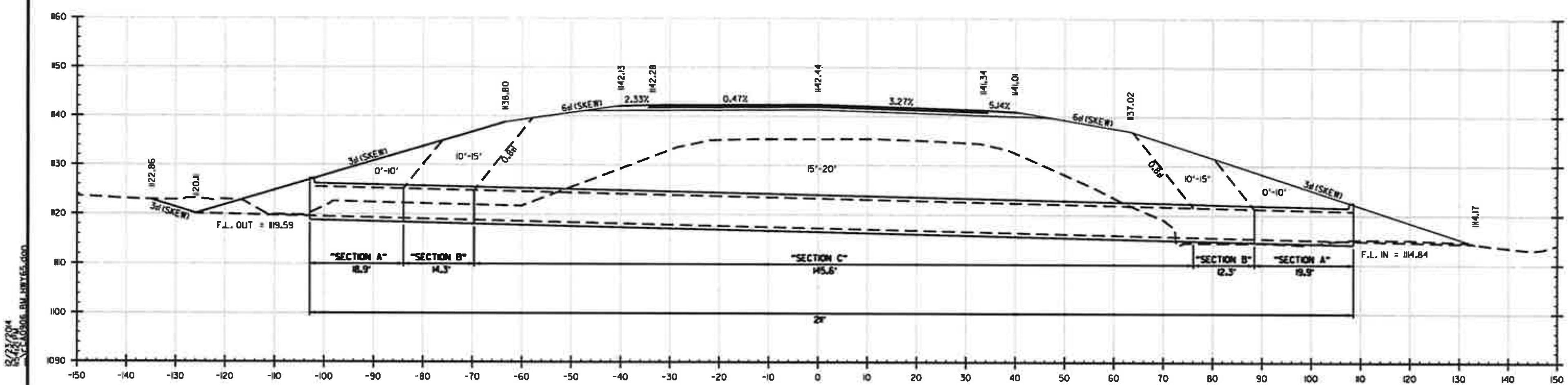
PRELIMINARY
SUBJECT TO REVISION

DATE	DATE FILMED	DATE REVISED	DATE FILMED	FED. RD. DIST. NO.	STATE	FEDERAL AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
				6	ARK.			
				JOB NO.		CA0906	611	456
						SPECIAL DETAILS		

BOX CULVERT DIAGRAM 170+95

CONCRETE:						
A SECTION	TOTAL FOR 2'-3" SKEWED LENGTH OF BARREL & HEADWALL				=	3.1
A SECTION	34.52	X	0.61		=	21.06
B SECTION	26.69	X	0.64		=	17.08
C SECTION	145.69	X	0.67		=	97.61
APRON & WINGS (BOTH SIDES)					=	18.83
TOTAL C.Y.						157.68
REINFORCING STEEL:						
A SECTION	TOTAL FOR 2'-3" SKEWED LENGTH OF BARREL & HEADWALL				=	416.00
A SECTION	34.52	X	62.00		=	2140.05
B SECTION	26.69	X	79.00		=	2108.51
C SECTION	145.69	X	96.00		=	13986.24
7.00	LAPS @ LBS. EACH		30.00		=	210.00
4 WINGS					=	1738.00
TOTAL LBS.						20598.80
*INCLUDES HDWL., APRONS, & 1 LAP						
UNCLASSIFIED EXCAVATION FOR STRUCTURES - ROADWAY:						
A SECTION	34.52	X	2.224		=	76.76
B SECTION	26.69	X	2.224		=	59.35
C SECTION	145.69	X	18.153		=	2644.76
V.I.					=	9.67
V.O.					=	9.67
TOTAL C.Y.						2800.21
SOLID SODDING & WATER:						
(K + W-1 + W-2 +3.46)(1 SIDE)(2' WIDE) / 9 S.F./S.Y.					=	20.82
12.60 (GAL./S.Y. SOLID SODDING)/1000 = M. GAL					=	0.26

STA. 170+85 CONSTRUCT
6' X 6' X 211' R.C. BOX CULVERT
WITH 20° RT. FWD. SKEW
WITH 3:1 WINGS LT. & RT.
Q50 = 172 CFS D.A. = 125.3 ACRES



STA. 170+85.00
20° RIGHT FORWARD SKEW

SPECIAL DETAILS

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