



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

U. S. Army Corps of Engineers (Little Rock District) Public Notice Regarding Proposed Permit for Conway, Arkansas AHTD Highway Relocation Project

Arkansas Environmental, Energy, and Water Law Blog

03/28/2016

The United States Army Corps of Engineers ("Corps") (Little Rock District) has issued a March 23rd public notice referencing a request for authorization for placement of fill materials in waters of the United States by McGeorge Contracting Company, Inc. ("McGeorge") associated with the disposal of excavated material resulting from an Arkansas Highway and Transportation Department ("AHTD") highway relocation project.

The proposed project would involve the relocation of Highway 25, north of Conway, Arkansas and impact (fill) approximately 353 linear feet of a jurisdictional ephemeral stream and 2.2 acres of a jurisdictional man-made pond (including a wetland fringe).

The Corps notice describes the area in part as water flow entering:

... the project area through the ephemeral stream that originates approximately 200 linear feet to the east in steep terrain surrounding the man-made pond/wetland. The ephemeral stream flows into the man-made pond/wetland then west into Tupelo Creek, Cadron Creek and then south-southwest into the Arkansas River.

The basic purpose of the project is stated to provide a disposal area for the construction project. The overall purpose of the project is stated to provide a disposal area of excavated material near Beaver Fork Lake resulting from the relocation of Highway 25 by the AHTD. The project is deemed non-water dependent.

Approximately 40 cubic yards of fill material would be placed into 353 linear feet of the jurisdiction ephemeral stream and approximately 35,500 cubic yards of fill material would be placed into 2.2 acres of a jurisdictional man-made pond/wetland.

The Corps states that McGeorge has investigated all other alternatives to the project which include:

- Disposal of fill material on the proposed property but outside waters of the United States
- Disposal of fill material on another property (Ross Property) located south of the proposed property
- Hauling the fill material to other disposal sites located miles from the proposed project

The Corps notice outlines McGeorge's stated deficiencies associated with these three alternatives.

McGeorge proposes to conduct permittee-responsible on-site compensatory mitigation or purchase compensatory mitigation credits from the approved mitigation bank that services the area.

[Click here to download a copy of the notice.](#)