



April 2, 2018

Mr. Peter Jilek  
Acting Division Administrator  
Federal Highway Administration  
700 West Capitol, Room 3130  
Little Rock, Arkansas 72201-3298

Re: Job Number 110666  
FAP Number STPR-0019(45)  
Hwy. 1 – West (Drainage Impvts.)  
Route 350, Section 1  
Cross County  
Tier 3 Categorical Exclusion

Dear Mr. Jilek:

The proposed project was previously approved on August 21, 2017 as a Tier 2 Categorical Exclusion. The Environmental Division has reviewed recent design changes for the project and determined it now falls within the definition of the Tier 3 Categorical Exclusion as defined by the ARDOT/FHWA Memorandum of Agreement on the processing of Categorical Exclusions. The following information is included for your review and, if acceptable, approval as the environmental documentation for this project.

The purpose of this project is to improve drainage and correct flooding problems near Highway 350 west of Highway 1. Total length of the project is approximately 0.6 mile, extending from approximately 0.15 mile west of Highway 1 to Lick Creek in Cross County. A project location map is enclosed.

The purpose of this project is to reduce the frequency of flooding on Highway 350 and to homes on the south side of the highway by reducing the amount of water backed up on the north side of the highway. There will be no changes made to Highway 350 as part of the proposed project. The project involves reshaping, widening, and relocating the waterway on the north side of Highway 350 to a 10-foot wide, flat-bottomed ditch with 2:1 slopes; adding two 48" x 58" corrugated metal pipe culverts beside the existing drainage structure under the railroad; and adding four 60" x 44" reinforced concrete pipe culverts under a private drive and County Road 651. Approximately 4.4 acres of additional right of way and 2.1 acres of temporary construction easements will be required for construction of the proposed project.

There are no relocations, prime farmland, wetlands, cultural resources, hazardous materials, environmental justice issues, or endangered species associated with this

project. The U.S. Fish & Wildlife Service species list and State Historic Preservation Officer clearance are enclosed.

Based upon the ARDOT *Policy on Highway Traffic Noise Abatement*, a noise analysis is not required for this project. Type III projects do not involve added capacity, construction of new through lanes or auxiliary lanes, changes in the horizontal or vertical alignment of the roadway or exposure of noise sensitive land uses to a new or existing highway noise source. The project meets the criteria for a Type III project established in 23 CFR 772; therefore, the project requires no analysis for highway traffic noise impacts. A noise analysis will be required if changes to the proposed project result in reclassification to a Type I project.

The official species list obtained through the United States Fish and Wildlife Service's Information for Planning and Consultation web tool identified three federally listed species as potentially occurring within the project area: the threatened Piping Plover (*Charadrius melodus*), the endangered Fat Pocketbook (*Potamilus capax*), and the endangered pondberry (*Lindera melissifolia*). A 'no effect' determination was made for these species due to lack of habitat.

The redesigned project will impact approximately 3,000 linear feet of an agricultural ditch that is a tributary to Lick Creek. The project was previously permitted under the terms of a Section 404 Nationwide Permit 14 for Linear Transportation as defined in the Federal Register 82(4):1860-2008. The redesigned project now exceeds the 0.5 acre limit of a Nationwide Permit 14 and will be permitted with a Section 404 Individual Permit. A commitment has been made to conduct stream mitigation in association with this project.

If you have any questions, please contact the Environmental Division at 569-2281.

**APPROVED**  
  
Environmental Specialist  
Federal Highway Administration  
Date: 4/2/2018

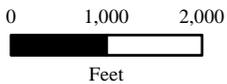
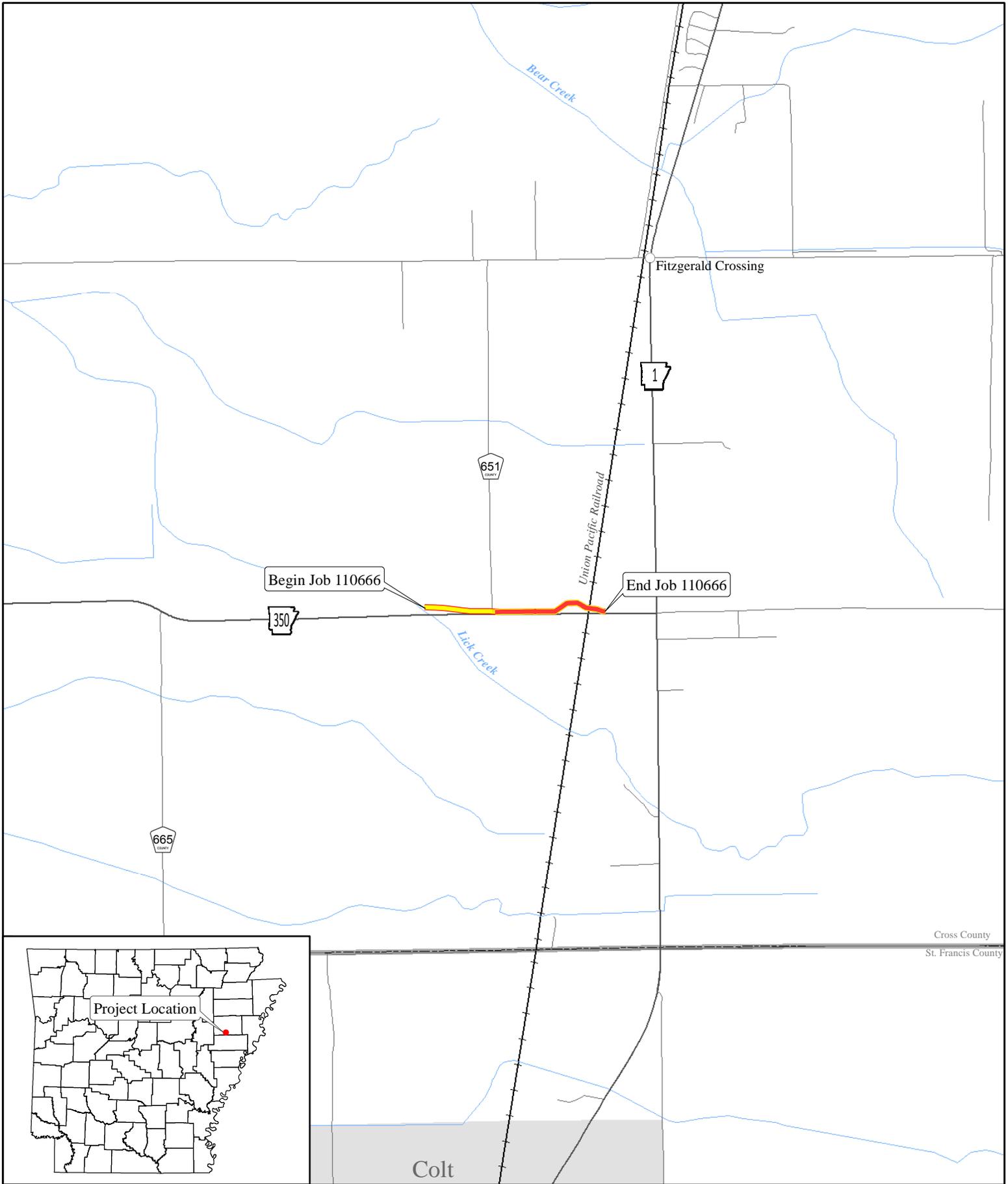
Sincerely,



John Fleming  
Division Head  
Environmental Division

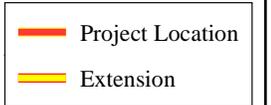
Enclosures  
JF:SS:fc

c: Program Management  
Right of Way  
Roadway Design  
District 1  
Master File



ARDOT - Environmental GIS - Hopkins  
March 26, 2018

**Job 110666**  
**Hwy. 1 - West**  
**(Drainage Impvts.) (Hwy. 350)**  
**Cross County**





ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

98587.01  
FHVA

August 15, 2017

Ms. Stacy Hurst  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, AR 72201

RECEIVED  
AHTD

AUG 21 2017

ENVIRONMENTAL  
DIVISION

AHPP

AUG 16 2017

RE: ARDOT Job No. 110666  
Hwy. 1 – West (Drainage Impvts.) (S)  
Cross County

Dear Ms. Hurst:

Enclosed for your review is a Project Identification Form regarding the above referenced project. Please provide your effect finding as soon as possible. If you have any questions, contact Richard Jenkins of my staff at 569-2357.

Sincerely,

*Brenda Price*

for John Fleming  
Division Head  
Environmental Division

Enclosure  
PIF

JF:DW:RJ:ym

Date 8/16/2017  
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.  
*Russell*  
Arkansas State Historic Preservation Officer

AUG 16 2017



ARKANSAS DEPARTMENT OF TRANSPORTATION

ARDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261

Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

98587.02  
FHWA

March 15, 2018

Ms. Stacy Hurst  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, AR 72201

AHPP

MAR 15 2018

RECEIVED  
ARDOT  
MAR 20 2018  
ENVIRONMENTAL  
DIVISION

Re: Job Number 110666  
Hwy. 1-West (Drainage Impvts.)  
Route 350, Section 1  
Cross County

Dear Ms. Hurst:

Please find enclosed an addendum to the Project Identification Form (PIF) previously submitted for the above referenced project. If you have any questions or require additional information about the projects, contact Richard Jenkins of my staff at 569-2357.

Sincerely,

John Fleming  
Division Head  
Environmental Division

JF:DW:RJ:fc

Enclosure  
Addendum

Date 3/19/2018  
No known historic properties will be affected by this undertaking. This effect determination could change should new information come to light.  
  
Arkansas State Historic Preservation Officer



## United States Department of the Interior



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

In Reply Refer To:

March 21, 2018

Consultation Code: 04ER1000-2017-SLI-0863

Event Code: 04ER1000-2018-E-01063

Project Name: 110666 Drainage improvements

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

To Whom It May Concern:

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

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

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

**If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.**

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

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

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

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

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be

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completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

Attachment(s):

- Official Species List

# Official Species List

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

This species list is provided by:

**Arkansas Ecological Services Field Office**

110 South Amity Suite 300

Conway, AR 72032-8975

(501) 513-4470

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## Project Summary

Consultation Code: 04ER1000-2017-SLI-0863

Event Code: 04ER1000-2018-E-01063

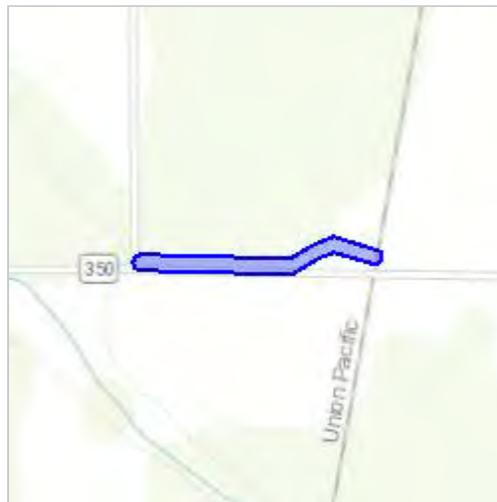
Project Name: 110666 Drainage improvements

Project Type: TRANSPORTATION

Project Description: The project will add additional culverts under the farm access and railroad crossing as well as increase the ditch capacity. The project goal is to reduce flooding of Hwy 350.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/35.16317618763417N90.81049384989139W>



Counties: Cross, AR

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## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened

### Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered

### Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

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## Critical habitats

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

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## ROADWAY DESIGN REQUEST

Job Number 110666 FAP No. \_\_\_\_\_ County Cross

Job Name Hwy. 1 – West(Drainage Impvts.) (S)

Design Engineer Mark Earl Environmental Staff \_\_\_\_\_

Brief Project Description Drainage improvement at Railroad crossing and channel improvement downstream.

**A. Existing Conditions:**

Roadway Width: 19' Shoulder Type/Width: 0

Number of Lanes and Width: 2 @ 9.5' Existing Right-of-Way: 60' - 72'

Sidewalks? no Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? no Location: \_\_\_\_\_ Width: \_\_\_\_\_

**B. Proposed Conditions:**

Roadway Width: NA Shoulder Type/Width: NA

Number of Lanes and Width: NA Proposed Right-of-Way: 60' – 211'

Sidewalks? no Location: \_\_\_\_\_ Width: \_\_\_\_\_

Bike Lanes? no Location: \_\_\_\_\_ Width: \_\_\_\_\_

**C. Construction Information:**

If detour: Where: NA Length: \_\_\_\_\_

**D. Design Traffic Data:**

NA ADT: NA ADT: NA % Trucks: NA

Design Speed: NA m.p.h.

E. Approximate total length of project: 0.566 mile(s)

F. Justification for proposed improvements: Reduce frequency of flooding

G. Total Relocates: 0 Residences: 0 Businesses: 0

H. Have you coordinated with any outside agencies (e.g., FHWA, City, County, etc.)? No

Agency/Official	Person Contacted	Date

## ARDOT ENVIRONMENTAL IMPACTS ASSESSMENT FORM

ARDOT Job Number 110666 FAP Number STPR-0019(45)

Job Title Hwy. 1 – West (Drainage Impvts.) (S)

Environmental Impacts	None	Minor	Significant	Comments
Air Quality	X			
Construction Impacts	X			
Cultural Resources	X			
Economic	X			
Endangered Species	X			
Energy Resources	X			
Environmental Justice/Title VI	X			
Fish and Wildlife	X			
Floodplains	X			Floodplains not mapped in project area
Forest Service Property	X			
Hazardous Materials/Landfills	X			
Land Use Impacts		X		4.4 acres ROW, 2.1 acres TCE
Migratory Birds	X			
Navigation/Coast Guard	X			
Noise Levels	X			
Prime Farmland	X			
Protected Waters	X			
Public Recreation Lands	X			
Public Water Supply/WHPA	X			Wellhead protection SP added
Relocatees	X			
Section 4(f)/6(f)	X			
Social	X			
Underground Storage Tanks	X			
Visual Impacts	X			
Stream Impacts		X		3000 linear feet of agricultural ditch
Water Quality		X		Temporary during construction
Wetlands	X			
Wildlife Refuges	X			

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

Remarks: Design reassessment of the Tier 2 CE approved 8/21/2017.

Signature of Evaluator  Date March 28, 2017  
 5/17/2011



DEPARTMENT OF THE ARMY  
MEMPHIS DISTRICT CORPS OF ENGINEERS  
167 NORTH MAIN STREET B-202  
MEMPHIS, TENNESSEE 38103-1894

August 22, 2018

Mr. John Fleming  
Arkansas Department of Transportation  
P.O. Box 2261  
Little Rock, Arkansas 72203-2261

Dear Mr. Fleming:

In response to your application for Department of the Army permit authorization, enclosed are two copies of Federal permit **MVM-2017-362**. Please sign and date both copies in the space provided on page 3 of the permit and return them to this office within 15 days. Pursuant to Section 404 of the Clean Water Act, this permit authorizes the placement of fill material into approximately 2,813 linear feet of a stream channel in order to relocate the channel and alleviate flooding along Highway 350 in Cross County, Arkansas.

After receipt of the signed permit, the District Engineer or his representative will sign both copies and return the original to you. Upon the District Engineer's signature, the permit will become effective and the work authorized. The decision regarding this action is based on information found in the administrative record, which documents the district's decision-making process, the basis for the decision, and the final decision.

Please note the general and special conditions as well as the additional information listed within the permit. The signing of the permit constitutes agreement to abide by all the terms and conditions so listed. If you do not accept the terms and conditions of this initial proffered permit, you may decline and request that this initial proffered permit be modified by following procedures outlined in Section I.A. of the attached Notification of Appeals and Process and Request for Appeal form. If you decline, however, you are not authorized to commence work until you receive the appropriate DA authorization. Your request must be received by the Memphis District Engineer at the address listed at the top of the first page by October 19, 2018.

The decision regarding these actions is based on information found in the administrative record, which documents the district's decision-making process, the basis for the decision and the final decision.

The Memphis District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, we invite you to complete a Customer Service Survey found on our web site, [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). Your comments, positive or negative, will not

affect any current or future dealings with the Corps of Engineers.

Your cooperation in the regulatory program is appreciated. If we may be of further assistance, please contact Roger Allan at (901) 544-3682 or Danny Keating at (901) 544-0733 and refer to File Number **MVM-2017-362**.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg W. Williams". The signature is fluid and cursive, with a large initial "G" and "W".

Gregg W. Williams  
Chief  
Regulatory Branch

Enclosures

# DEPARTMENT OF THE ARMY PERMIT

Permittee: AR Department of Transportation  
Attn: Mr. John Fleming

Effective Date: \_\_\_\_\_

Permit Number: MVM-2017-362

Issuing Office: Memphis District, CE

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The project includes the relocation of approximately 2,813 linear feet of stream channel. The relocated channel will be approximately 2,993 linear feet. The proposed project also includes replacing the existing culverts under the railroad with two 7' X 5' box culverts; adding two 60" x 44" reinforced concrete pipe culverts to the existing culverts under County Road 651; and the replacement of the existing culvert under a private drive with four 60" x 44" reinforced concrete pipe culverts.

**Project Location:** The project is located in Sections 5 & 6, Township 6N, and Range 3E in Cross County, Arkansas, at approximate latitude 35.162985°N and longitude -90.810095°W, near the City of Wynne .

**Attachments:** 1. Location Map, 2. Project Plans

## Permit Conditions:

### General Conditions:

1. The time limit for completing the work authorized ends on August 22, 2023. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with conditions specified in the

certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. The permittee must implement the mitigation plan as described in the original application and materials submitted on 21 August 2018.
  
2. If prehistoric or historic artifacts, human or unrecognizable bones or other archeological materials are found during construction, all activities are to cease immediately and appropriate persons, including state and tribal representatives, the local sheriff, and the Corps archeologist shall be contacted.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest

was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
**(PERMITTEE)**

\_\_\_\_\_  
**(DATE)**

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
**(DISTRICT ENGINEER)**  
Michael A. Ellicott  
Colonel, Corps of Engineers

\_\_\_\_\_  
**(DATE)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
**(TRANSFEREE)**

\_\_\_\_\_  
**(DATE)**

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Arkansas Department of Transportation		File Number: MVM-2017-362	Date: 22 AUG 2018
Attached is:			See Section below
x	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/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.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:  
Gregg Williams  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers, Memphis District  
167 N. Main Street, Room B-202  
Memphis, TN 38103

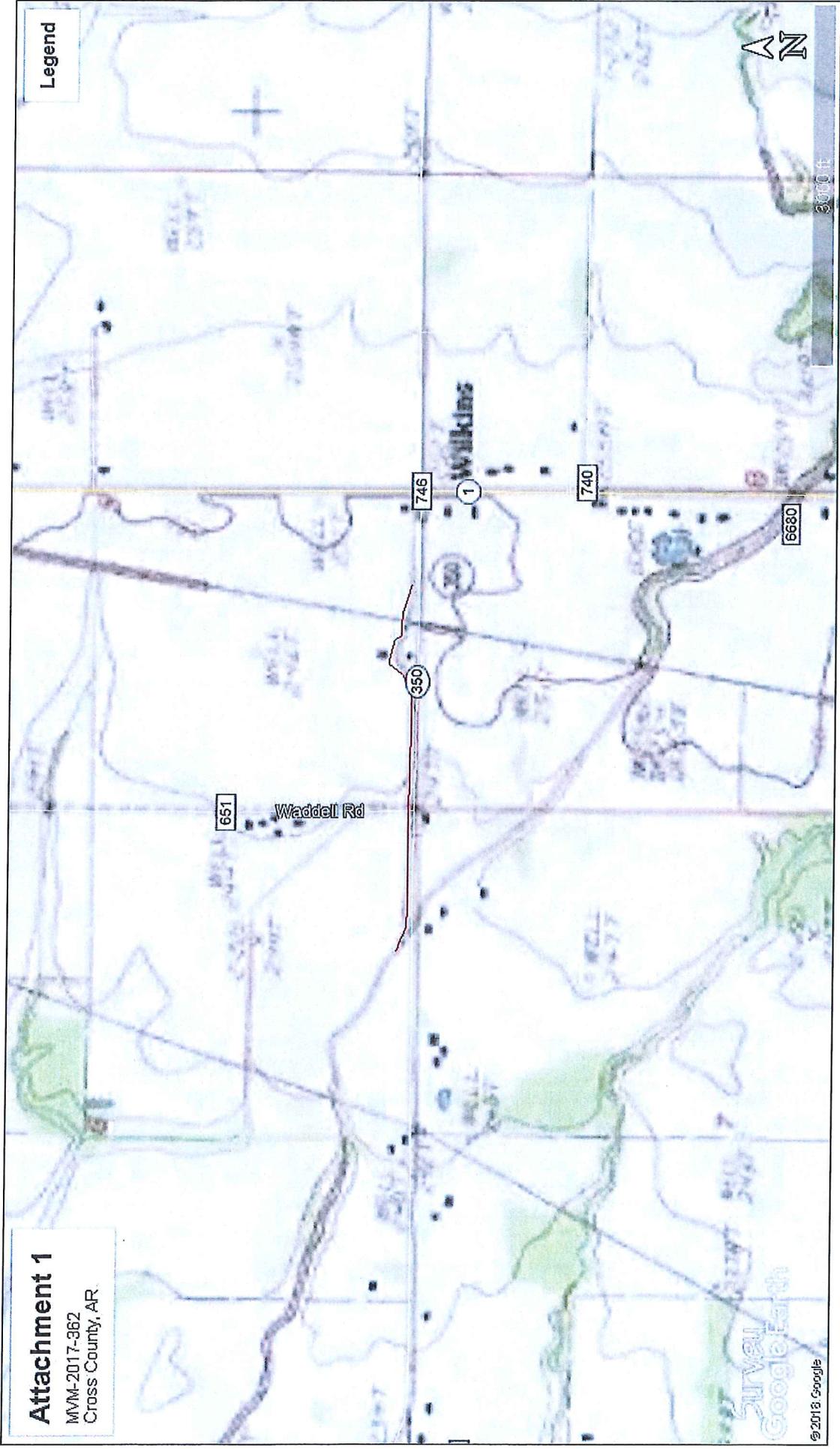
If you only have questions regarding the appeal process you may also contact:  
Administrative Appeals Review Officer  
Mississippi Valley Division  
U.S. Army Corps of Engineers  
1400 Walnut Street  
Vicksburg, MS 39181-0080  
601-634-5820

**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:

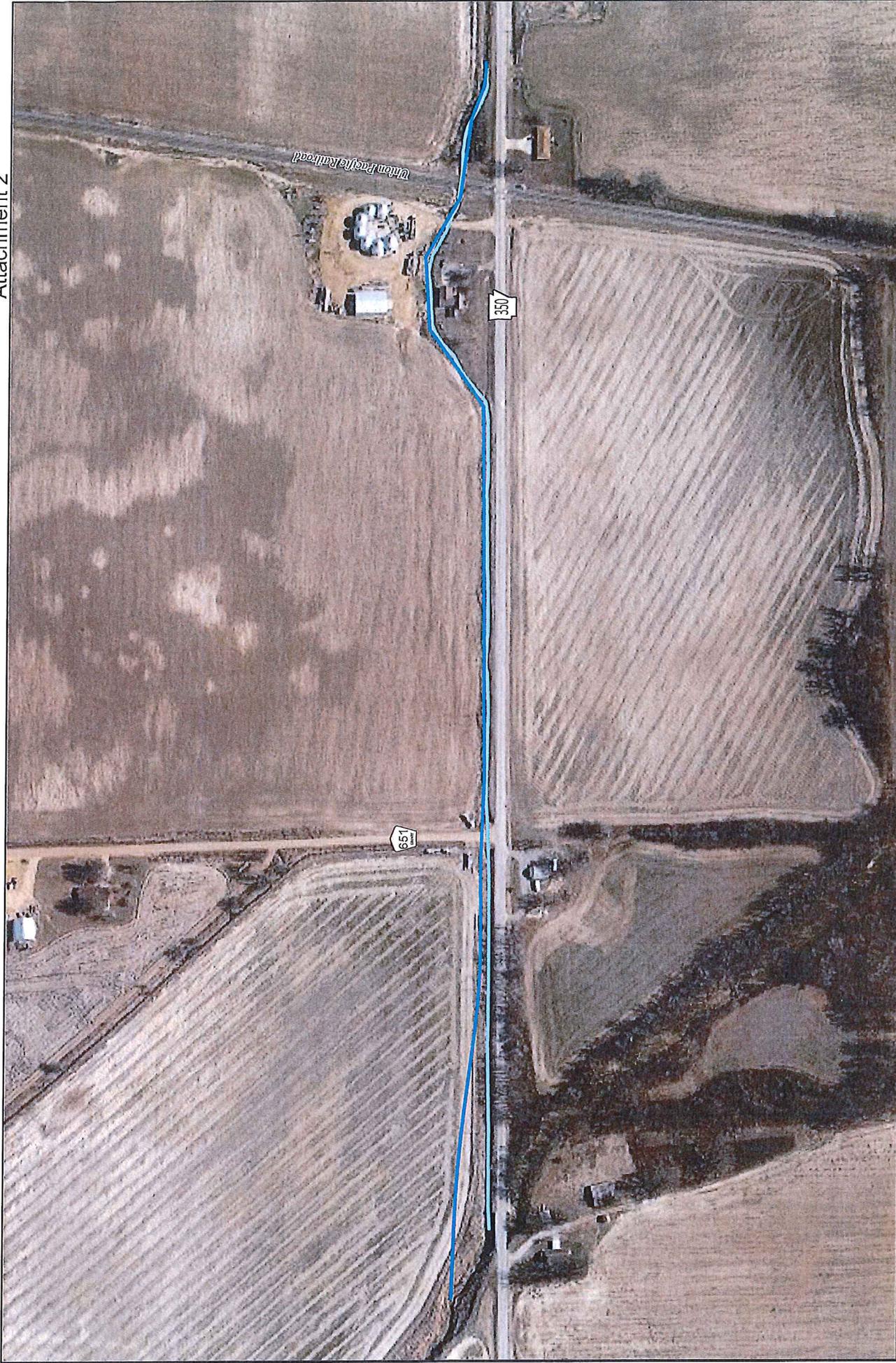
Telephone number:



**Attachment 1**  
MVM-2017-362  
Cross County, AR.



© 2018 Google  
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Job 110666  
Hwy. 1 - West  
(Drainage Impvts.) (Hwy. 350)  
Cross County

0 150 300  
Feet

ARDOT - Environmental GIS - Hopkins  
March 29, 2018

Proposed Ditch - 2993 ft.  
Existing Ditch - 2813 ft.