



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2017-53 (JFB)

**NOTICE DATE:
May 14, 2018**

**EXPIRATION DATE:
June 13, 2018**

Attn: Postmaster,
Please Post Until



Joint Public Notice

**U.S. Army Corps of Engineers
and
State of Arkansas**

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT:
Leon Crittenden
P. O. Box 239
Cotton Plant, Arkansas 72036

AGENT:
Wetland Consultants Unlimited
2551 Hutcheson Road
Benton, Arkansas 72019

PURPOSE: The applicant proposes to construct a levee system with a dual purpose. The levee system would be used to protect agriculture fields from flooding by the adjacent Cache River during the growing season and to allow the landowner to retain water inside the levee system during winter months to provide habitat for migrating waterfowl.

LOCATION: The project is located in Section 32, Township 5N, and Range 3W in Woodruff County, Arkansas, at approximate latitude 35.014296°N and longitude -91.334587°W on the AR – Cotton Plant 7.5 minute quadrangle map (see attachment 1).

DESCRIPTION OF WORK: The applicant proposes to construct a levee as shown on the attached typical cross section (attachment 2). The levee would be approximately 3 feet in height, with a top width of approximately 10 feet and 3H : 1V side slopes producing a bottom width of approximately 28 feet. Fill material for construction would be obtained by excavating a borrow ditch adjacent to the levee on the inside of the levee system. This ditch would be approximately 3-5 feet deep and approximately 10-12 feet wide.

The new levee would be approximately 8,400 feet in length and constructed mostly in cropland but would cross through wooded wetlands in two locations and farmed wetlands in three locations. The alignment and wetland locations are depicted on attachment 3.

Direct impacts to jurisdictional wetlands associated with construction would be 1.4 acres of farmed wetland and 0.37 acre of wooded wetland. Contained within the new levee system are approximately 182.4 acres of land; this includes 98 acres of wooded wetlands in the main tract of timber, four smaller wooded wetland areas situated within the farmland area that total 4.9 acres, and 17.2 acres of farmed wetlands. Also, a 2.31 acre farmed wetland is present on the east side of the tract of timber which would be directly impacted by construction but not contained within the new levee system.

AVOIDANCE, MINIMIZATION, & COMPENSATION: According to the applicant, to avoid and minimize the impacts associated with the planned construction, the levee would be built only to the height needed and would connect to an existing levee along the north and east side of the property. To offset wetland impacts, the

applicant proposes to reforest approximately 23.7 acres of farmland located approximately 1.8 miles northeast of the project site but still adjacent to the Cache River (attachment 4).

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341 (a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of the water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No Threatened, Proposed for Listing, or listed Endangered Species or their critical habitat are known to exist on the site. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes and the public in response to this public notice and we may require a survey of the project area.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Federally recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District and Arkansas Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

U.S. Army Engineer District-Memphis
ATTN: Joe Brougher
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joseph.f.brougher@usace.army.mil
phone: (901) 544-3472
fax: (901) 544-0211

Millie Remer
State Permits Branch, Water Division
Arkansas Department of Environmental Quality
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: remmer@adeq.state.ar.us
Phone: (501) 682-6263

The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

FOR FINAL INDIVIDUAL PERMIT ACTIONS IN THE MEMPHIS DISTRICT, GO TO THE FOLLOWING LINK: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “**Pending IP**” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.

Gregg Williams
Chief
Regulatory Branch

Attachments