

APPENDIX B

CORRESPONDENCE

- February 11, 2004 - Arkansas Game and Fish letter supporting the Study
- February 11, 2004 - Ducks Unlimited letter supporting the Study
- September 29, 2009 - The Nature Conservancy letter supporting the Project
- December 15, 2010 - The Nature Conservancy letter requesting a Locally Preferred Plan
- December 16, 2010 - USFWS letter supporting the Project
- December 20, 2010 - Cache River/Bayou Deview Improvement District letter supporting the Project
- December 29, 2010 - EPA email supporting the Project
- January 10, 2011 – Arkansas Natural Heritage Commission
- January 13, 2011 – USDA/NRCS Letter regarding Prime and Unique Farmlands

Arkansas Game & Fish Commission

2 Natural Resources Drive Little Rock, Arkansas 72205

Dr. Lester Sitzes
Chairman
Hope

Forrest Wood
Vice-Chairman
Flippin

Mike Freeze
England

Sheffield Nelson
Little Rock



Scott Henderson
Director

Sonny Varnell
St. Paul

Freddie Black
Lake Village

Brett Morgan
Little Rock

Dr. Dan Davis (ex-officio)
University of Arkansas
Fayetteville

February 11, 2004

Colonel Jack Scherer, District Engineer
U.S. Army Corps of Engineers
Memphis District
167 N. Main Street, B-202
Memphis, TN 38103-1894

Dear Colonel Scherer:

The Arkansas Game and Fish Commission and Ducks Unlimited, Inc respectfully request that the U.S. Army Corps of Engineers submit a study proposal for an environmental restoration project at Cache River Meanders upstream of Clarendon, AR, under the provisions of Section 1135 (b) of the Water Resources Development Act of 1986, as amended.

In the early 1970's, the U.S. Army Corps of Engineers, Memphis District, realigned the lower reach of the Cache River from the mouth of Bayou DeView to its confluence with the White River near Clarendon, Arkansas. This project isolated at least seven meanders from the newly created main channel. Ducks Unlimited and the Arkansas Game and Fish Commission are interested in partnering with the Memphis District to explore the potential for restoring flow to these former meanders. A channel restoration project on the lower Cache would provide significant benefits to fish and wildlife, including resident and migratory waterfowl.

We understand that any project built under this authority requires specified local cooperation, including provision of all required rights-of-way, furnishing not less than 25% of total project costs, operation and maintenance of the completed works, and other requirements set forth in the authorizing documents and implementing regulations.

If an environmental restoration plan for the Cache River Meanders is developed and deemed acceptable by all financial and in-kind contributors to the project, Ducks Unlimited and the Arkansas Game and Fish Commission will work with other partners to demonstrate the financial capability to provide the non-federal share of project costs and our legal ability to provide certain assurances concerning project implementation and operation and maintenance before initiation of project construction.

Phone: 501-223-6300 Fax: 501-223-6448 Website: www.agfc.com

The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources of Arkansas while providing maximum enjoyment for the people.

Page 2
Colonel Jack Scherer
February 11, 2004

In the event the proposed environmental restoration plan is determined to be unacceptable by any of the financial or in-kind contributors to the project, neither Ducks Unlimited nor the Arkansas Game and Fish Commission is liable for any costs incurred to date or any future project costs whatsoever.

We would appreciate any assistance you can provide with respect to this request.

Sincerely,

A handwritten signature in cursive script that reads "Scott Henderson".

Scott Henderson
Director



ONE WATERFOWL WAY • MEMPHIS, TENNESSEE 38120-2351 • (901)758-3700 • FAX (901)758-3855 • dyoung@ducks.org

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Memphis, Tennessee

February 11, 2004

Colonel Jack Scherer
District Engineer
U.S. Army Corps of Engineers
Memphis District
167 N. Main Street, B-202
Memphis, TN 38103-1894

Dear Colonel Scherer:

Ducks Unlimited, Inc and the Arkansas Game and Fish Commission respectfully request that the U.S. Army Corps of Engineers submit a study proposal for an environmental restoration project at Cache River Meanders upstream of Clarendon, AR, under the provisions of Section 1135 (b) of the Water Resources Development Act of 1986, as amended.

In the early 1970's, the U.S. Army Corps of Engineers, Memphis District, realigned the lower reach of the Cache River from the mouth of Bayou DeView to its confluence with the White River near Clarendon, Arkansas. This project isolated at least seven meanders from the newly created main channel. Ducks Unlimited and the Arkansas Game and Fish Commission are interested in partnering with the Memphis District to explore the potential for restoring flow to these former meanders. A channel restoration project on the lower Cache would provide significant benefits to fish and wildlife, including resident and migratory waterfowl.

We understand that any project built under this authority requires specified local cooperation, including provision of all required rights-of-way, furnishing not less than 25% of total project costs, operation and maintenance of the completed works, and other requirements set forth in the authorizing documents and implementing regulations.

If an environmental restoration plan for the Cache River Meanders is developed and deemed acceptable by all financial and in-kind contributors to the project, Ducks Unlimited and the Arkansas Game and Fish Commission will work with other partners to demonstrate the financial capability to provide the non-federal share of project costs and our legal ability to provide certain assurances concerning project implementation and operation and maintenance before initiation of project construction.

In the event the proposed environmental restoration plan is determined to be unacceptable by any of the financial or in-kind contributors to the project, neither Ducks Unlimited nor the Arkansas Game and Fish Commission is liable for any costs incurred to date or any future project costs whatsoever.

We would appreciate any assistance you can provide with respect to this request.

Sincerely,

D. A. (Don) Young
Executive Vice President
Ducks Unlimited, Inc.



Lower Mississippi River Program
601 N. University Avenue
Little Rock, AR 72205

tel [501] 614-5077
fax [501] 663-8332
nature.org/greatrivers

September 29, 2009

Colonel Thomas P. Smith, District Engineer
US Army Corps of Engineers
Memphis District
167 N. Main Street, B-202
Memphis, TN 38103-1894

Dear Colonel Smith:

Please accept this letter as a commitment by The Nature Conservancy to participate as a cost-share partner in the restoration project at Cache River Meanders upstream of Clarendon, AR, under the provisions of Section 1135(b) of the Water Resources Development Act of 1986, as amended.

The Nature Conservancy has met with the Arkansas Game and Fish Commission and Ducks Unlimited about joining this project as a cost-share sponsor. Both organizations are fully behind The Nature Conservancy joining as a project partner.

We understand that any project built under this authority requires specified local cooperation, including provision of all required rights-of-way, furnishing not less than 25% of total project costs, operation and maintenance of the completed works, and other requirements set forth in the authorizing documents and implementing regulations.

If an environmental restoration plan for the Cache River Meanders is developed and deemed acceptable by all financial and in-kind contributors to the project, The Nature Conservancy will work with Ducks Unlimited, the Arkansas Game and Fish Commission and other partners to demonstrate the financial capability to provide the non-federal share of project costs and our legal ability to provide certain assurances concerning project implementation and operation and maintenance before initiation of project construction.

In the event the proposed environmental restoration plan is determined to be unacceptable by any of the financial or in-kind contributors to the project, The Nature Conservancy will not be liable for any costs incurred to date or any future project costs whatsoever.

We look forward to working with your office and the other cost-share partners on this exciting restoration project.

Sincerely,

Lee Moore
Lower Mississippi River Program Director
The Nature Conservancy

cc: Craig Hillburn, DU
Craig Uyeda, AGFC
Scott Simon, TNC

Mark Smith
Memphis District
U. S. Army Corps of Engineers
157 North Main Street, B-202
Memphis, TN 38103-1894

Mr. Smith:

The Nature Conservancy (TNC), Ducks Unlimited (DU) and Arkansas Game and Fish Commission (AGFC) are partnering on the Lower Cache River Section 1135 Ecosystem Restoration project in east central Arkansas. The partners have reviewed the National Ecosystem Restoration (NER) plan and have selected a Locally Preferred Plan (LPP).

A discussion was conducted on Tuesday, 23 November 2010 and included Craig Hilburn of DU, Andy Gaines, Shawn Phillips, and Mark Smith of the Memphis District, and myself from TNC. During this phone call, we discussed detailed aspects of the LPP, including the likely future operations and maintenance. TNC recognizes that sediment transport and deposition in this system is a dynamic process. We agree that with constructed weirs downstream of all the meander openings, the meanders will become the base flow channel under future conditions. TNC acknowledges that given the current price levels for the most significant project cost, which is the stone, that the plan that includes the restoration of Meanders 1, 2, and 3 is the LPP. These understandings are shared by our partners DU and AGFC.

Considering these factors, TNC requests the Memphis District pursue the LPP. Our goal is to start the process of restoring historic meandering riverine habit in this otherwise largely undisturbed bottomland hardwood habitat of east-central Arkansas.

Sincerely,


Scott Simon
State Director
The Nature Conservancy



United States Department of the Interior

FISH AND WILDLIFE SERVICE

110 South Amity Road, Suite 300

Conway, Arkansas 72032

Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

December 16, 2010

Colonel Vernie L. Reichling, Jr.
U.S. Army Corps of Engineers
167 North Main Street
Room B-202
Memphis, Tennessee 38103-1894

Dear Colonel Reichling:

The U.S. Fish and Wildlife Service (Service) has reviewed the environmental assessment (EA) regarding an 1135 ecosystem restoration project proposed for the lower Cache River in Monroe County near Clarendon, Arkansas. The assessment addresses to reconnect historic channel meanders via removal of sediment plugs blocking upstream connections and construction of rock weirs across the channelized portion of this stream.

This project began formulation following a request by Ducks Unlimited (DU) over a decade ago to pursue restoration actions on a portion of the Cache River that was channelized during the 1970's as part of a U.S. Army Corps of Engineers (Corps) flood control project. The original project was stopped through a series of court battles but not before approximately seven miles of ditch was constructed beginning at the mouth of the Cache River and extending upstream to the confluence with Bayou DeView. The Corps agreed to investigate environmental restoration options using the continuing authority provided by Section 1135 of the Water Resources Development Act of 1996, as amended. This authority is somewhat limited in that it caps federal funding at five million dollars. The alternative to this would be to conduct a general investigation seeking congressional funding in the amount necessary to conduct full scale restoration of the entire channelized reach of the lower Cache River. This would also require a much more detailed study lasting several years. The local sponsors of this project (The Nature Conservancy (TNC), DU, and the Arkansas Game and Fish Commission (AGFC)) determined that there may be a narrow window in which they would be able to provide maximum cost share funds or in-kind services. For this reason, the decision was made to pursue a project using the 1135 authority.

Several options for restoration of the lower Cache River were considered during early discussions. They ranged from no action to complete restoration including the reconnection of all meanders and the filling of the man-made ditch portion of the river. The complete restoration option was quickly determined to be unfeasible. First, the cost would be much more than allowed under the 1135 authority. Additionally, the original flood control project partially constructed in the 1970's has never been de-authorized by Congress. Because this project is still authorized, the Corps is mandated to maintain the existing flood reduction measures that are in

place. This means that filling the ditch is not an option regardless of funding and that any weirs constructed must still allow flood waters to flow down the ditch as well as the reconnected meanders.

Given the above constraints of costs and flood control authority, the Corps and local sponsors developed a "locally preferred alternative" that consists of the construction of three cross-channel rock weirs within the man-made ditch. The sediment plugs on the upper end of the historic meanders would be removed as well. During normal or low flows the weirs will serve to back the water up the ditch and into the upper end of the historic meanders. The lower ends of the meanders are already connected to the ditch. The Corps determined that it was technically feasible to restore flows to six historic meanders. However, due to costs only the upper three meanders were identified for restoration as part of this alternative. Over time the flows should flush accumulated sediment from the meanders and restore the habitat to a state more suitable for riverine fishes and freshwater mussels. During periods of high flow water will flow through the meanders as well as over the weirs and through the ditch to provide the authorized flood control.

While the proposed project does not represent a comprehensive restoration of the lower Cache River channel, it is a very important first step. The lessons learned during the construction of this project will aid others in future efforts. We encourage the Corps and others to seek additional funding opportunities outside the 1135 authority to continue the restoration of the remaining meanders. Additionally, we recommend that the Corps support de-authorization of the existing flood control project. This action would free the Corps and/or other entities to design restoration projects in this region without being bound by the constraints of the flood control authority. Removing the mandate to maintain the existing protections (those provided by the ditching of the lower Cache River) would allow planners to design more comprehensive channel and floodplain restoration. If future funding becomes available for such work we recommend the continuation of meander restorations in addition to the filling of the man-made ditch using the high berms that currently line both sides of the stream within the project area. This would help restore the natural hydrology to this area that is largely composed of National Wildlife Refuge property, lands within the acquisition boundary of the refuge, lands enrolled in the Wetlands Reserve Program, and privately held properties largely used for recreation (duck hunting). The filling of the ditch and removal of the flood control mandate might reduce the need for expensive rock structures and allow the use of more natural channel design and restoration concepts that incorporate bioengineering.

The Service is very supportive of the Corps and local sponsor efforts to restore the lower Cache River to its historic channel. The habitat value of the lower Cache River in its current configuration as a ditch is much diminished for aquatic organisms compared to the natural channel upstream. Additionally, the habitat value within the historic meanders has decreased over time due to the accumulation of fine sediment. Without this project this trend will continue into the future. The completion of this project will represent a significant step towards the reversal of impacts inflicted over 30 years ago and will serve as an example of the Corps' modern commitment to environmental restoration as one of its primary missions.

If you have any questions about these comments please contact Jason Phillips at (870) 347-1617.

Sincerely,



Marge Harney
Acting Field Supervisor

cc: Scott Simon, TNC
Craig Uyeda, AGFC
Craig Hilburn, Ducks Unlimited
Jason Throneberry, ANHC
Keith Weaver, USFWS-Cache River NWR
Marsha Raus, USACE-Memphis District
Mark Smith, USACE-Memphis District

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Harry Truman Moore
Email: htm@goodwinmoore.com
Licensed Mediator for
Arkansas Circuit Courts

December 20, 2010

Ms. Marsha Raus
Environmental Section
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894

Re: Lower Cache River Restoration
Monroe County, Arkansas
Aquatic Ecosystem Restoration

Dear Ms. Raus:

I represent the Cache River/Bayou DeView Improvement District and have reviewed the draft environmental assessment with the chairman of that district, Mr. Sherland Hamilton.

At the present time, we are in the process of restructuring the board of the district and anticipate that new commissioners will be appointed by Spring, 2011.

However, Mr. Hamilton has discussed the proposal at various times with representatives of the Corps of Engineers and Ducks Unlimited and does not anticipate any opposition to the proposal.

Once the board is reorganized we will follow up with you regarding official action on the project.

Very truly yours,



Harry Truman Moore

HTM:djw

cc: Mr. Sherland Hamilton

From: Boyd.Wanda@epamail.epa.gov [mailto:Boyd.Wanda@epamail.epa.gov]

Sent: Wednesday, December 29, 2010 12:46 PM

To: Raus, Marsha MVM

Cc: Smith, Mark R MVM

Subject: Lower Cache River Restoration

Marsha:

EPA has reviewed the Public Notice for the Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment for the Lower Cache River Restoration. The objective for the restoration is to restore the riverine habitat quality and quantity that was historically predominant prior to the 1972 channelization project of the river. The method determined to accomplish this would be to restore flow into the meanders that the flood control project isolated. Alternatives were considered, from no action to restoring all six meanders or restoring four meanders. Due to the costs associated with these alternatives, the sponsor could only afford to restore three meanders along the Cache River. Three weirs would be constructed within the channelized portion of the river to move water back into the historic meanders. This project would restore riverine conditions to part of the lower seven miles of the Cache River and its associated floodplain. Although costs limit the restoration of the other three meanders on the river, it may be pursued at a later time.

Since the environmental benefits of this restoration project need to outweigh any negative impacts, the lower Cache River project will fulfill this condition, thus no mitigation is required. EPA has no additional comments on the project, and looks forward to when additional funds may be used to restore the remaining meanders.

Thanks for the opportunity to review.

Wanda Boyd 214-665-6696



THE DEPARTMENT OF ARKANSAS
HERITAGE

Date: January 10, 201
Subject: Lower Cache River Restoration, Monroe County Arkansas,
Aquatic Ecosystem Restoration
ANHC No.: F-COEM-10-019

Mike Beebe
Governor

Ms. Marsha Raus
Environmental Section
U.S. Army Corps of Engineers, Memphis District
167 North Main Street, Room B-202
Memphis, TN 38103-1894

Cathie Matthews
Director

Dear Ms. Raus:

Arkansas Arts Council

Arkansas Historic
Preservation Program

Delta Cultural Center

Mosaic Templars
Cultural Center

Old State House Museum

Historic Arkansas Museum

Staff members of the Arkansas Natural Heritage Commission have reviewed the Public Notice, Draft Environmental Assessment and Draft Finding of No Significant Impact for the Lower Cache River Aquatic Ecosystem Restoration Project in Monroe County, Arkansas. The objective of the project is to restore selected historic river meanders and enhance the lower Cache River Basin. A portion of the Cache River was channelized during the 1970's as part of a U.S. Army Corps of Engineers flood control project. The overall channelization project was stopped through a series of court battles, but approximately seven miles of the ditch was constructed from the mouth of the Cache River upstream to the confluence with Bayou DeView. At the request of the Arkansas Game and Fish Commission, and Ducks Unlimited in 2004, an environmental restoration study was conducted by the Corps of Engineers. In 2009, The Nature Conservancy requested to become a cost sharing partner in the project. The restoration project is authorized under Section 1135 of the Water Resources Development Act of 1996, as amended. The authority limits the federal funding to five million dollars. Also, the COE is mandated to maintain the existing flood reduction benefits of the original project. Several alternatives were considered. The proposed alternative, referred to as the Locally Preferred Plan, was the only implementable plan based on the sponsor's cost-sharing capability. As proposed, the project would restore three historic meanders by removing earthen plugs in the meanders and constructing three weirs. The project area would be almost entirely within the boundaries of the Cache River National Wildlife Refuge.



Arkansas Natural Heritage
Commission

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323 Center Street
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(501) 324-9619
fax: (501) 324-9618
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e-mail:

arkansas@naturalheritage.com

website:

www.naturalheritage.com

The project will provide significant ecological benefit. Restoration will help reintroduce natural ecosystem processes and functions. As noted in the Environmental Assessment (EA) the isolated meanders provide only marginal habitat for riverine fish and mussel species. Restoration of flow, and reconnection with the floodplain will benefit aquatic species of concern, help restore natural communities and benefit terrestrial species of concern such as Swainson's Warbler.

An Equal Opportunity Employer



This agency is supportive of this project and commends the efforts of the Corps of Engineers and the local sponsors to restore this portion of the Cache River. The project will provide benefit to the target area and could serve as a template for other restoration efforts in this reach of the river. This area is considered to be of international significance. The wetlands along the lower White and Cache Rivers have been included on the list of “Wetlands of International Importance” by the Ramsar Convention. Wetlands on this list are considered to be significant for the conservation of global biological diversity and for the important role they play for maintaining human life through their ecosystem, and hydrological functions.

The opportunity to comment is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Osborne".

Cindy Osborne

Data Manager/Environmental Review Coordinator

United States Department of Agriculture



Natural Resources Conservation Service
3407 S. Caraway Suite 5
Jonesboro, AR 72404

Date: January 13, 2011

Mark Smith
West Team Supervisor
Environmental Section
USACE Memphis district
167 N. Main St., RM B-202
Memphis, TN 38103

Re: Lower Cache River Project Area

Dear Mr. Smith:

In regards to the Lower Cache River Project Area, I have determined that the construction of Weirs 1, 2 and 3 and the Cross Ditch plug in the proposed project would have no impact to prime and unique farmlands associated with the restoration of flows in the meanders of the lower Cache River.

If you have any additional questions, please contact me at 870-972-4671 ext. 141

A handwritten signature in black ink that reads "David Hargis". The signature is fluid and cursive, with a large initial "D" and "H".

David Hargis
Resource Soil Scientist

