



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2013-339 (JKB)

NOTICE DATE:
September 17, 2013

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
⇒ October 16, 2013

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:

Jack W. Ray
E. Ritter Farms, LLC
10 Elm Street
Marked Tree, Arkansas 72395
(870) 358-4127

PURPOSE: According to the applicant, the purpose of the project is to increase crop production and irrigation efficiency.

LOCATION: The project site is located in Sections 28 and 29, Township 7N, Range 5E, in Cross County, Arkansas, at approximate latitude 35.20299°N and longitude -90.59056°W. The project area is shown on the Gieseck, AR, 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to precision land level the existing fields in order to increase crop production and irrigation efficiency. The leveling would impact 8.9 acres of farmed wetlands. The leveling would also impact approximately 2,700 linear feet of other waters of the United States (Attachments 2, 3, & 4).

AVOIDANCE/MINIMIZATION: The applicant is avoiding impacts to wetlands and waters of the United States on adjoining property. However, according to the applicant, avoiding the proposed impacts to the farmed wetlands and ditches would not allow him to meet his purpose of increased crop production and irrigation efficiency at the site. The applicant also notes that runoff will be minimized through more efficient use of irrigation water.

MITIGATION: The applicant proposes to mitigate wetland impacts at a 1:1 ratio with the restoration of 8.9 acres of bottomland hardwoods and the creation of approximately 10,000 linear feet of stream channel (Attachments 5 & 6). The mitigation site for the proposed impacts to farmed wetlands is located approximately 1.7 miles west of the impact sites in Section 25, Township 7N, Range 4E, on the Gieseck and Wittsburg, AR, 7.5 minute quadrangle maps (Attachment 7). The creation of approximately 10,000 linear feet of ditches will be located at the impact site of the current ditches. Approximately 20-foot grass buffers will be established on each side of the new stream channels.

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 endangered or threatened species or their critical habitats are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants or their critical habitat will be considered in our evaluation of the described work.

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

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain 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 or 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: Josh Bright
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joshua.k.bright@usace.army.mil
phone: (901) 544-0926
fax: (901) 544-0211

State Permits Branch, Water Division
Arkansas Department of Environmental Quality
ATTN: Mark Hathcote
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: hathcote@adeq.state.ar.us

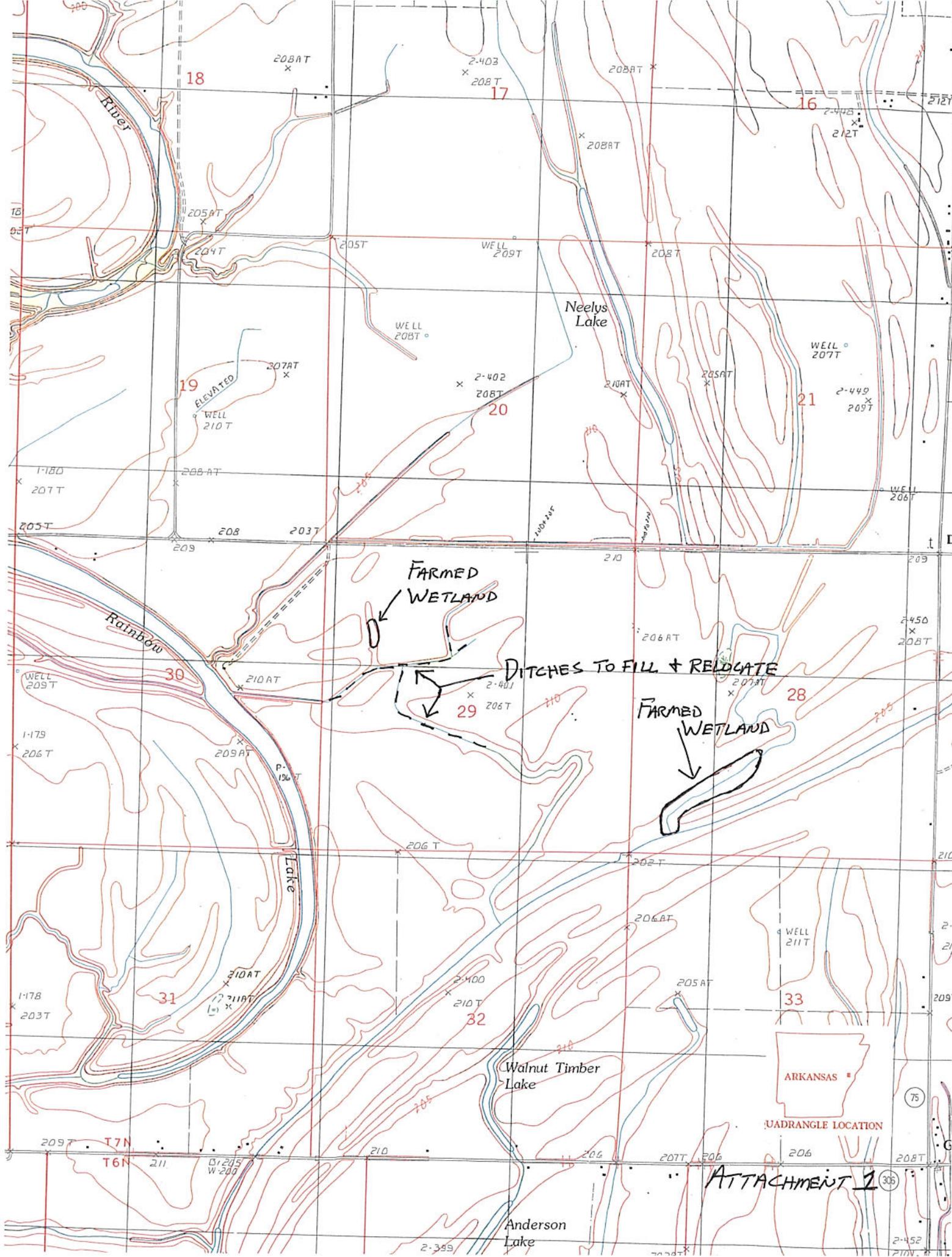
The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

For Final Individual Permits 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



ATTACHMENT 2

305

ARKANSAS
QUADRANGLE LOCATION

FARMED
WETLAND

DITCHES TO FILL + RELOCATE

FARMED
WETLAND

18

17

16

19

20

21

30

29

28

31

32

33

T6N
T7N

75

G

Anderson
Lake

Walnut Timber
Lake

Neelys
Lake

Rainbow
River

208AT

2-403
208T

208AT

2-448
212T

205AT

204T

205T

WELL
209T

208T

WELL
207T

207AT

2-402
208T

210AT

205AT

2-449
209T

1-180
207T

208AT

203T

WELL
206T

WELL
206T

205T

209

208

203T

210

WELL
206T

D

2-450
208T

WELL
209T

210AT

2-401
206T

206AT

207AT

2-450
208T

1-179
206T

209AT

P-106T

206T

202T

210

1-178
203T

210AT

2-400
210T

206AT

205AT

21

209

209T

T6N

211

211
W-209

210

206

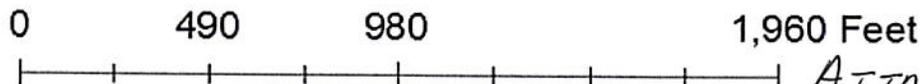
207T

206

208T

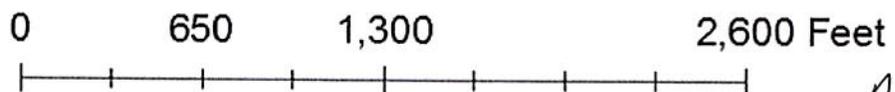
2-452
210T

E Riitter Farms LLC Mitigation Map 3
F# 3680 T# 10822



ATTACHMENT 2

E Riitter Farms LLC Mitigation Map 2
F# 3680 T# 10822



ATTACHMENT 3

MAP I

Section 29, T 7 North, R 5 East



Google earth

feet 4000
km 1

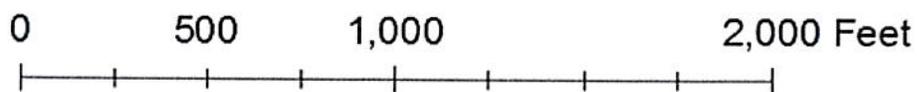
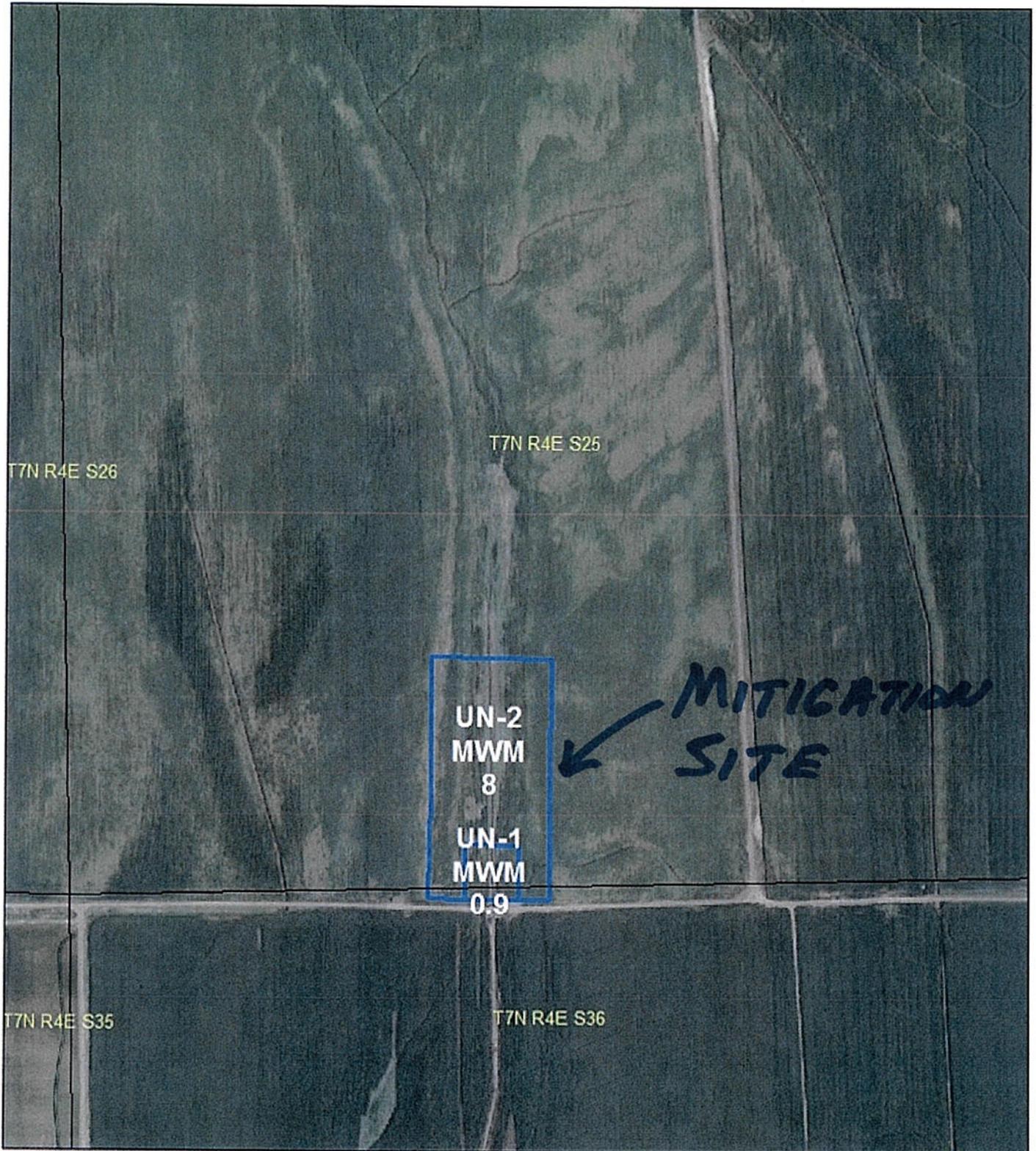


 Ditches - existing, proposed to fill

ATTACHMENT 4

MAP 4

E Riitter Farms LLC Mitigation Map F# 3680 T# 10822



ATTACHMENT 5

MAP 2

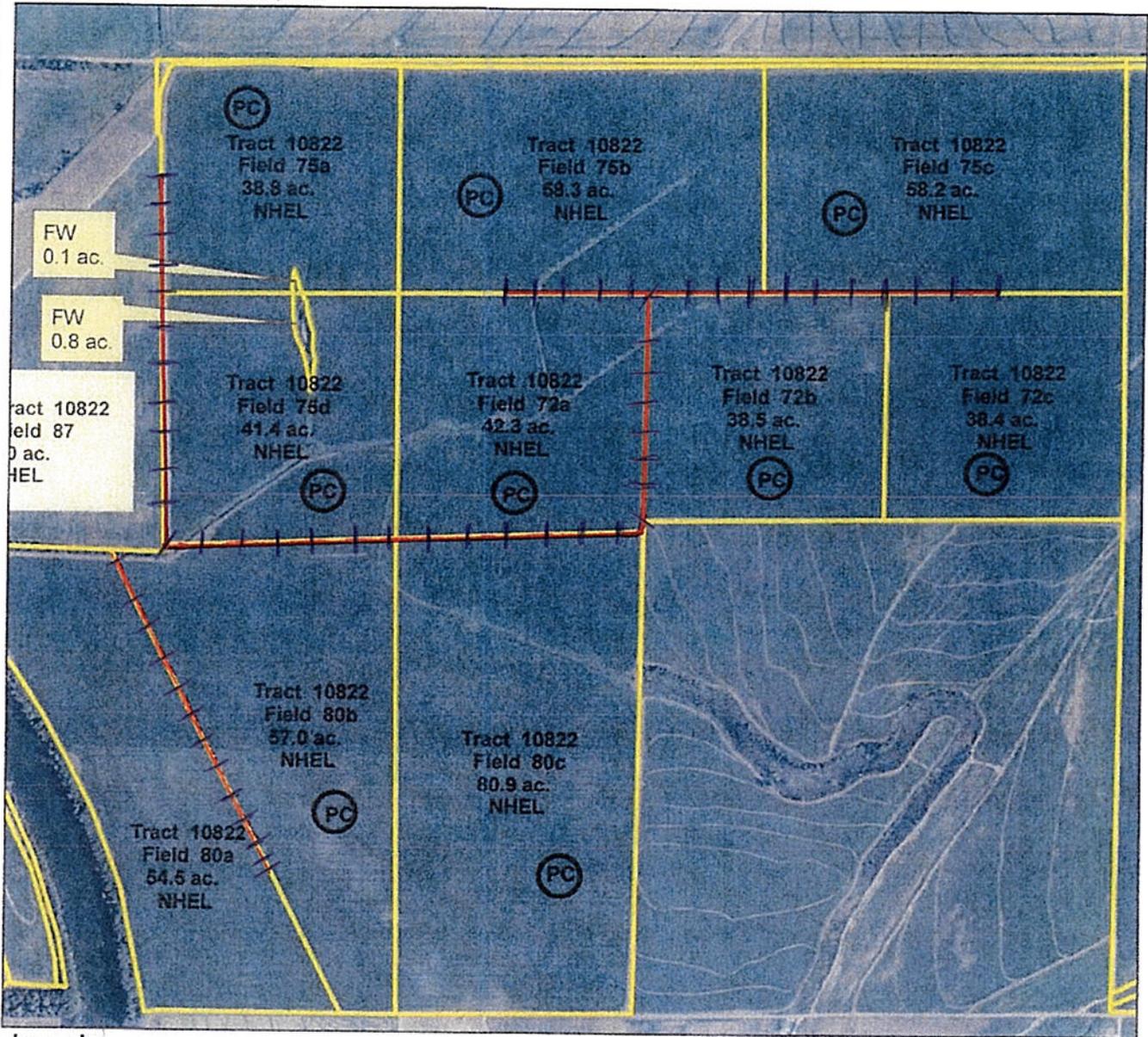
Section 29, T 7 North, R 5 East

Wetland Delineation Map

Date: 8/9/2013

Customer(s): CYPRESS SLOUGH FARMS
 District: Cross County Conservation District
 Approximate Acres: 4086.2
 Legal Description: Section 19, 28, 29, 30, T7N, R5E
 Section 23, 24, 25, 26, 36 T7N, R4E

Field Office: Wynne FSC
 Agency: USDA/NRCS
 Assisted By: CHARLES MINTON
 County and State: Cross, AR
 Land Units: Farm 3680, Tract: 10822

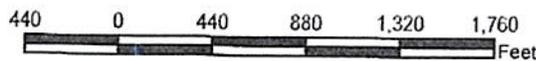


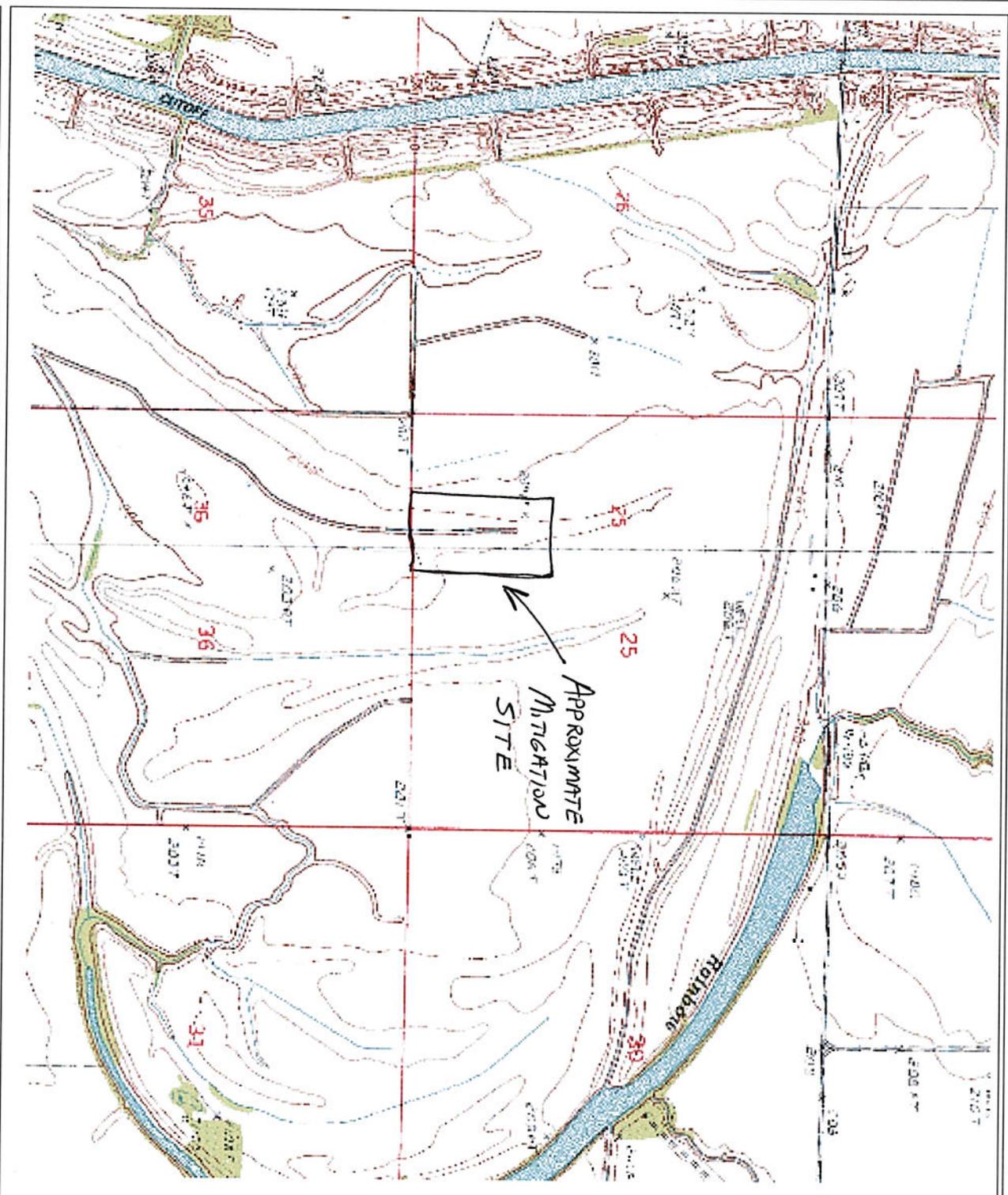
Legend

F3680_T10822

PC - Prior Converted Cropland
 FW - Farmed Wetland

++++ Proposed new ditches after leveling project









 Date Printed: 09.12.2013

 Map Scale: 1:27084

