

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2013-182 (RCW)

NOTICE DATE:
August 19, 2013

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
⇒ September 18, 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:

Larry McClendon
McClendon Land Co., LLC
160 Lee 316
Marianna, Arkansas 72360

Agent:

Mark Tidwell
Arkansas Farm and Wetland Services
1510 Chinook Drive
Conway, Arkansas 72034

PURPOSE: The purpose of this project is to clear and fill two wooded ditches to allow the owner to land level approximately 80 acres of farmland.

LOCATION: The project site is located in Lee County, Arkansas, Section 2, Township 3N, Range 5E at latitude 34.904087° N and longitude -90.535112° W. (Attachment 1, Project Location)

DESCRIPTION OF WORK: The applicant proposes to clear and fill two wooded ditches on the property so the area can be land leveled. The ditches would be replaced with a newly constructed perennial stream approximately 4,233 feet long located along the northern and eastern borders of the project site. (Attachment 2, Project Layout)

AVOIDANCE/MINIMIZATION: According to the applicant, the landowner looked at several plans to level this area without removing the ditches. Referring to Attachment 1, the landowner looked at leaving Ditch A and removing Ditch B, but the cost of leveling made this unfeasible. They also considered leaving Ditch B and removing Ditch A, but the cost of leveling and the shape of the fields made this option unfeasible. They looked at several locations for the new ditch. They looked at leaving Ditch A and constructing a new ditch along the south line that would terminate at Ditch A. This was not feasible. They also looked at constructing a new ditch along the south and east line that would terminate at Ditch B. This also was not feasible. The current option is the only option that is feasible from both an engineering and economic point of view.

MITIGATION: Refer to Attachments 2, 3 and 4, Project Layout and cross sections of the new ditch. Proposed compensatory mitigation would be to construct a new perennial stream 4,233 feet long. In the area of X-section A, the stream will have 6 feet of buffer on the north side and 10 feet of buffer on the south side. In the area of X-section B, the stream will have 4 feet of buffer on the north side and 6 feet of buffer on the south side. Pipe drops will be installed as needed to drain water from the field into the new stream. The buffer area will be planted to perennial grasses to filter chemicals and sediments out of the water.

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: This notice is being coordinated with the USFWS. Any comments USFWS 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 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 Corps of Engineers Memphis District
ATTN: Reginald Wuornos
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: reginald.c.wuornos@usace.army.mil
phone: (901) 544-0731
fax: (901) 544-0211

Mark Hathcote
State Permits Branch, Water Division
Arkansas Department of Environmental Quality
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

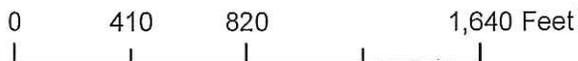
MVM-2013-182 Larry McClendon, Ditch Fill & Replace

World Imagery, Mud Lake, AR Quad
Zone 15
Sec 2, T-3N, R-5E
Lat/Lon:
Site A: 34.903906° N/-90.539874° W
Site B: 34.904087° N/-90.535112° W

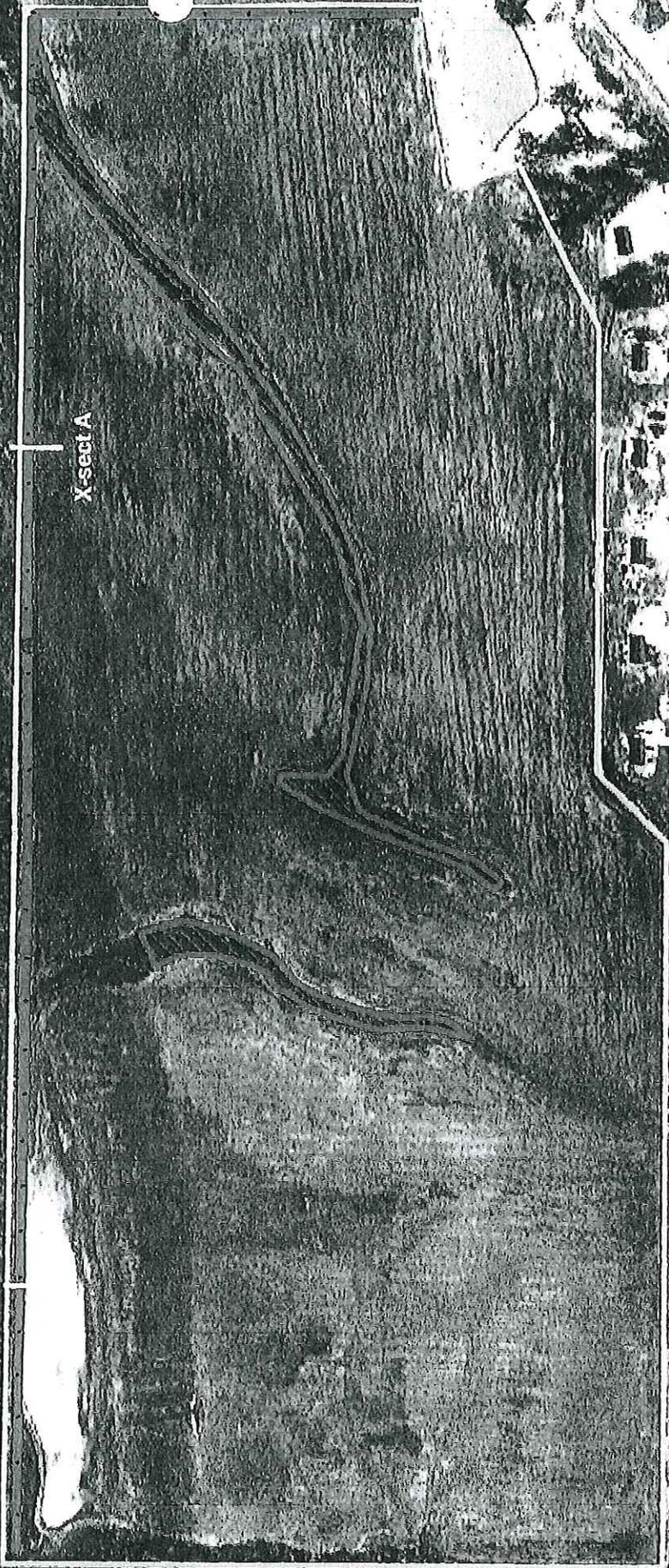


Legend

- Dist_Major_Roads
- Dist_Rivers&Creeks



**McClendon Land Co.
Landlevelling Project
Lee County, AR**



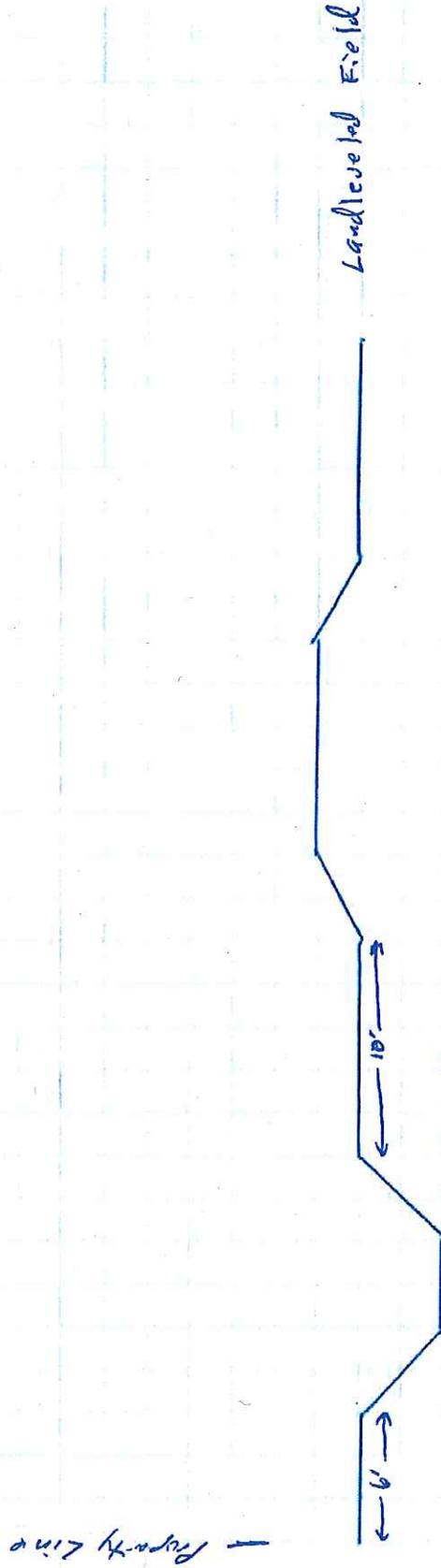
Legend

Pipe Drops

Ditches to be filled

New Ditch

McIntosh Land Co
Land Leasing Project
Lee County, AR
X-SECT A
1" = 8 feet



Attachment 3
New Ditch
Cross Section A

McClendon Land Co
Land leveling Project
Lee County, AR
X-SECT B
1" = 8 feet

TREELINE



Attachment 4
New Ditch
Cross Section B