



**US Army Corps  
of Engineers** ®  
Memphis District

ISSUE DATE: April 4, 2008

**PUBLIC NOTICE**

EXPIRATION DATE: May 5, 2008

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS**  
**AND STATE OF MISSOURI**

**AND**

**NOTICE OF AVAILABILITY**  
**Draft EA and Draft FONSI**

**U.S. ARMY CORPS OF ENGINEERS, MEMPHIS DISTRICT**

**REPLY TO:**  
**U.S. ARMY CORPS OF ENGINEERS**  
**ATTN: Kevin R. Pigott, Environmental Branch**  
**167 North Main Street, Room B-202**  
**Memphis, Tennessee 38103-1894**  
**Tele: (901) 544-4309**  
**Fax: (901) 544-3955**  
**E-mail: [Kevin.R.Pigott@mvm02.usace.army.mil](mailto:Kevin.R.Pigott@mvm02.usace.army.mil)**

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, Water Pollution Control Program, Post Office Box 176, Jefferson City, MO 65102-0176.

**TITLE:** Elk Chute South Levee Setback, Dunklin County, Missouri

**AUTHORITY:** This project was authorized by the Flood Control Act of 15 June 1936. Local cooperation requirements were modified by the Flood Control Act of 24 July 1946 which limited local responsibility to ordinary maintenance as defined by Section 3 of the Flood Control Act of 15 May 1928.

**LOCATION:** This item of work is located in Dunklin County, Missouri, just north of the Missouri-Arkansas state line, approximately 9 miles northwest of Blytheville, Arkansas. The Elk Chute South Levee is approximately 5.1 miles long and extends from Missouri State Highway TT westward to its intersection with the Elk Chute South Levee. The project location is shown on the Hornersville, MO, 1:24,000 Quadrangle map (Figure 1).

**TO WHOM IT MAY CONCERN:** Pursuant to the National Environmental Policy Act of 1969 as amended, the U.S. Army Corps of Engineers, Memphis District is issuing this notice to update environmental coordination on the authorized project and obtain water quality certification from the state of Missouri.

**PURPOSE:** The purpose of this project is to arrest the degradation of the existing Elk Chute Levee and correct bank stability problems within Belle Fountain West Ditch. The levee continues to slide and slough on the riverside, creating the need for extensive repairs to the levee, the drainage structures, and the channel of Belle Fountain West Ditch. There are numerous culverts through the existing levee that are in constant need of repair, causing potential weak spots in the levee. By consolidating the many culverts into fewer box culverts and setting back the levee, the potential for levee failure is lessened. Also, the amount and frequency of channel scour repair would be reduced. The structural integrity of the levee continues to be at risk, potentially impacting the approximate 32-square mile watershed.

**ALTERNATIVES:** Three alternatives including the no action alternative were considered for this project.

*Alternative 1: No action:* The no action alternative is defined as non-implementation of the project. Bank scouring would continue and the levee would continue to slide and slough on the riverside, creating the need for extensive repairs to the levee, the drainage structures, and the channel. The structural integrity of the levee would continue to be at risk.

*Alternative 2: Restore and maintain original levee design:* This alternative would involve armoring the riverside of the levee and repairing the twenty-five existing drainage outlets. Currently, the riverside toe of the levee and the top bank of the ditch are indistinguishable. Twenty-three of the existing drainage outlets are corrugated metal pipes equipped with flap gates. The remaining two structures are concrete structures built around 1948. Extensive in-stream work would be undertaken to stabilize the existing stream banks to prevent future sloughing and sliding of the levee due to in-stream processes. The different drainage structures would remain, requiring the in-stream armoring via rip-rap aprons at each outlet. The structural integrity of the existing levee would be restored back to the original project design. However, the potential for levee slides and sloughing on the riverside requiring the extensive repairs to the levee, the drainage structures, and the channel would remain.

*Alternative 3: Set the existing levee back:* This alternative would relocate 5.1 miles of levee approximately 50 feet north of its existing location, stabilize the right descending bank of Belle Fountain West Ditch, and consolidate the twenty-five existing drainage structures of various types into five concrete drainage structures. The Belle Fountain West Ditch would be stabilized, and the levee moved further away from its existing position, reducing the potential of levee failure and extensive levee repairs. By replacing and combining the numerous existing drainage structures, extensive rehabilitation or expensive maintenance would be further reduced. This option would also slightly increase the floodplain of Belle Fountain West Ditch. Warm season grasses would be planted within the 50-foot area between the levee toe and top bank of the ditch. In addition, wetland grasses would be planted along the water line.

After careful consideration of all alternatives, it was determined that Alternative 1 (no action) was unacceptable. Alternative 2 was not feasible due to the high cost and greater in-stream impacts. Consequently, Alternative 3, relocation of the levee, bank stabilization, and consolidation of drainage structures is the recommended plan.

**DESCRIPTION OF WORK:** The project consists of setting approximately 5.1 miles of the existing levee back approximately 50 feet; stabilizing the Belle Fountain West Ditch bank by creating a stable (3.75H:1V) slope; constructing a 50-foot berm between the ditch and the levee; consolidating the existing twenty-five drainage outlets of various sizes and elevations into five concrete drainage structures, and constructing a landside toe ditch. Several access ramps and culverts would also be constructed to maintain current access to and drainage of adjacent fields. Some trees, brush, and debris would need to be cleared for this work to be performed, and would be disposed of on site. A total of five items of work are proposed for the entire project, with an estimated one mile of work to be completed annually. Fill material

would be obtained from the degraded levee section and the borrow area adjacent to the existing landside levee toe of slope.

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the U.S. Army Corps of Engineers, Memphis District, is requesting water quality certification, or waiver thereof, from the Missouri Department of Natural Resources, Water Pollution Control Program, 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.

**SECTION 404 (b)(1) EVALUATION:** The impact of the activity on the public interest is being evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**ENDANGERED SPECIES:** In a letter dated 10 January 2008, the USFWS stated implementation of prudent and reasonable measures to minimize construction impacts, which included the sediment reduction measures proposed in the biological assessment and additional reporting and monitoring requirements that would exempt the project from the prohibitions in Section 9 of the Endangered Species Act. A take of up to five *P. capax* was permitted to account for any individuals that might be buried by riprap or by increase sedimentation. Personal communication with the U.S. Fish and Wildlife Service revealed that no other Federally listed, or proposed, endangered or threatened plant or animal species, or critical habitats, are known to occur within the proposed work area. Requirements of Section 7 of the Endangered Species Act have been fulfilled.

**CULTURAL RESOURCES:** The project area was surveyed for cultural resources in 2006, and a “negative finding” report was generated for this area of Elk Chute Levee/Belle Fountain West Ditch. The Memphis District Archaeologist coordinated this project with the Missouri State Historic Preservation Officer (SHPO). This report was sent to the SHPO and to the appropriate Federally recognized tribes. The SHPO concurred with the recommendation that there would be no historic properties affected, and therefore, has no objection to the initiation of project activities. The Federally recognized tribes had no negative comments.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest. This notice is being circulated to Federal, State and local environmental agencies.

The decision to construct this project 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 potential benefits of the activity must be balanced against its reasonably foreseeable detriments. All potential direct, indirect and cumulative affects of the activity will be considered including: economics, aesthetics, general environmental 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; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to proceed with the proposed action. 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 preparation of the Final Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine

the overall public interest of the proposed activity. Comments are also considered by Missouri Department of Natural Resources pertaining to the granting and/or conditioning of water quality certification. A draft environmental assessment (EA), draft finding of no significant impact (FONSI), and Section 404(b)(1) evaluation have been completed and will be circulated to agencies and any other party that responds to this notice requesting a copy. Copies of these documents have also been placed on the District's website at:

<http://www.mvm.usace.army.mil/regulatory/public-notices/pn.htm>

**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 proposed project. Requests for a public hearing shall clearly state the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed in order to reach a decision on the project. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on this proposal, please contact Kevin Pigott by mail at the U.S. Army Corps of Engineers, Environmental Branch (PM-E), 167 North Main Street RM B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-4309. Comments should be forwarded to this office by May 5, 2008. In addition, commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, Water Pollution Control Program, Post Office Box 176, Jefferson City, MO 65102-0176.

Sincerely,



Edward P. Lambert  
Chief, Environmental Branch

Enclosures



**Figure 1**