



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**REPLY TO ATTN:** Damon McDermott  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0732  
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**POSTMASTER PLEASE POST UNTIL: July 22, 2012**

**PUBLIC NOTICE NO:**  
MVM-2010-591 (RDM)

**PUBLIC NOTICE DATE:**  
June 22, 2012

**EXPIRATION DATE:**  
July 22, 2012

**Joint Public Notice  
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:** Mr. Kenneth Clark  
Willow Slough Drainage District  
515 Second Street  
Newport, Arkansas 72112  
(870) 217-3971

**AGENT:** Mr. Gene Sullivan  
Sullivan & Associates, P.A.  
1709 Circledale Road  
Little Rock, Arkansas 72116  
(501) 351-5942

**LOCATION:** The project is located on the Cache River south of Arkansas State Highway 18 in Section 34, Township 12N, Range 1W, in Jackson County, Arkansas, at approximate latitude 35.627078°N and longitude -91.085161°W on the Grubbs and Amagon 7.5 minute quadrangle maps (Figure 1).

**PURPOSE:** This application was previously submitted in 2011 but was subsequently withdrawn. The purpose of this project is to remove accumulated sediment and debris from the Cache River to relieve flooding of cropland and bottomland hardwood forest as well as increase the level of protection to the town of Grubbs and area highways.

**DESCRIPTION OF WORK:** The project consists of the removal of the two major drifts composed of logs, sediment, and other debris totaling about 2400 feet in length from a 0.8-mile reach of the Cache River channel (Figures 1&2). Work will be performed from both sides of the channel using excavators and bulldozers to remove the obstructions from the channel and temporarily place them in disposal areas. The applicant proposes to excavate the channel to the elevation of the cross-sections surveyed by the Corps of Engineers in 2007 (Figures 3&4). The estimated 15,000 cubic yards of excavated material including logs, brush and other debris will be carefully placed in the eleven designated disposal areas (Figure 2). These areas will each be less than a half acre in size and located at least 100 feet from the riverbank. After sufficient drying time, the woody vegetation in the debris piles will be control burned. Specifications specific to the location and burning operations will be developed prior to contracting. The burning operation will occur only during suitable weather. A sufficient number of tractors with brush-rakes and other equipment shall be on hand to confine the burning area so as to minimize disturbance to the adjacent natural habitat. Once the burning has been completed the leftover sediment and debris will be smoothed and reshaped close to the original contours. The debris areas (4.4 acres) will be vegetated with specified native grasses and a plan developed to enhance their value for wildlife.

A logging road approach will be used during the construction of the project. A strip of land about sixteen feet wide will be cleared to access and connect the disposal areas and also to lead down to the river from each disposal area (Figure 2). These 6300 feet of roads will follow the natural contours as closely as possible while missing the larger trees and precluding the need for drainage structures. Most of the area to be disturbed, outside of the channel, now has a sparse to medium coverage of three to thirty-six inch diameter trees consisting of mostly Tupelo and Oak species.

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The area outside of the channel to be temporarily disturbed, including roadways, and disposal areas is estimated to be a total of 6.7 acres.

A comprehensive monitoring system (as designed by subject matter experts from natural resource agencies and non-profits) will be established to measure the impact of the project on the flooding, sedimentation, erosion, and wetlands in the project area.

**AVOIDENCE/MINIMIZATION:** The applicant proposes to avoid impacts to the areas of the two blockages downstream. These two areas were originally proposed for removal. Also, no working berms are proposed, as in the original proposal. The new proposal decreases the amount of direct impacts from an estimated 20.5 acres to 6.7 acres. Erosion and sedimentation impacts will be avoided or minimized by (1) leaving an undisturbed 100-foot wide buffer between the river banks and the disposal areas, (2) using a logging road approach for moving vehicles and equipment by staying as near as possible to the natural contour while avoiding large trees and the need for culverts, (3) smoothing and seeding all disturbed areas outside of the river channel, (4) developing an erosion control plan prior to construction and implementing it during the construction period and (5) having an experienced erosion control engineer oversee the implementation of the project.

**MITIGATION:** The debris areas (4.4 acres) will be vegetated with specified native grasses and a plan developed to enhance their value for wildlife. The applicant believes that most of the indirect impacts of the project will be beneficial and the net impacts of this project on the wetlands and the ecosystems of the Cache River and the waters of the United States are positive. If any impacts are determined to be significant the applicant proposes that a mitigation plan will be developed and approved prior to construction.

**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 this 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 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, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a reconnaissance 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 apprise 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.

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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; Indian 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:

Damon McDermott  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
[robert.d.mcdermott@usace.army.mil](mailto:robert.d.mcdermott@usace.army.mil)

Mark Hathcote  
State Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
5301 North Shore Drive  
Little Rock, Arkansas 72118-5317  
[hathcote@adeq.state.ar.us](mailto:hathcote@adeq.state.ar.us)

Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps. Comments should be received by July 22, 2012.



Gregg Williams  
Acting Chief  
Regulatory Branch

Attachments

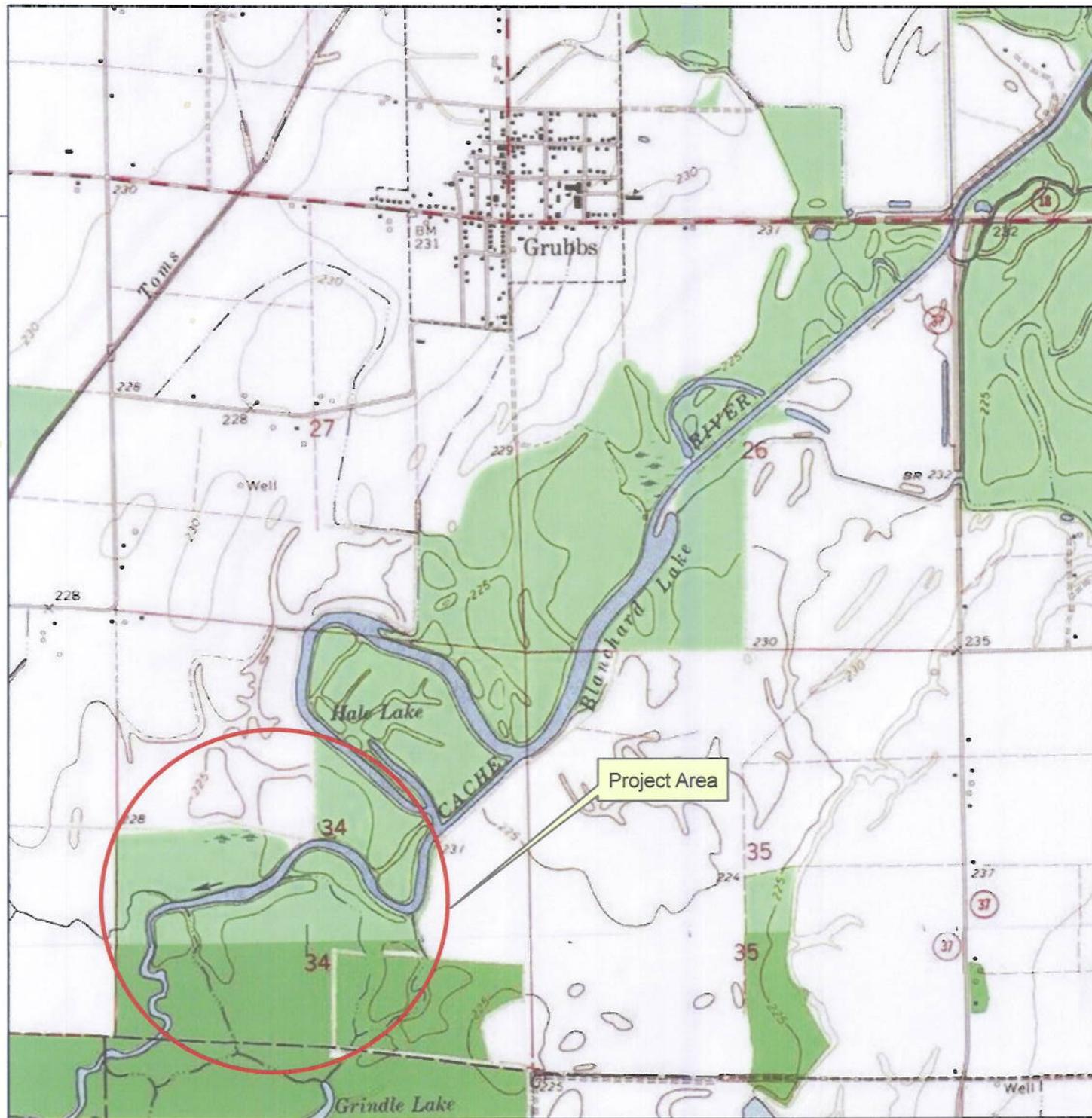
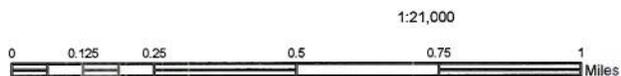


Figure 1



Legend  
NGS USA Topographic Maps



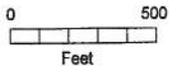
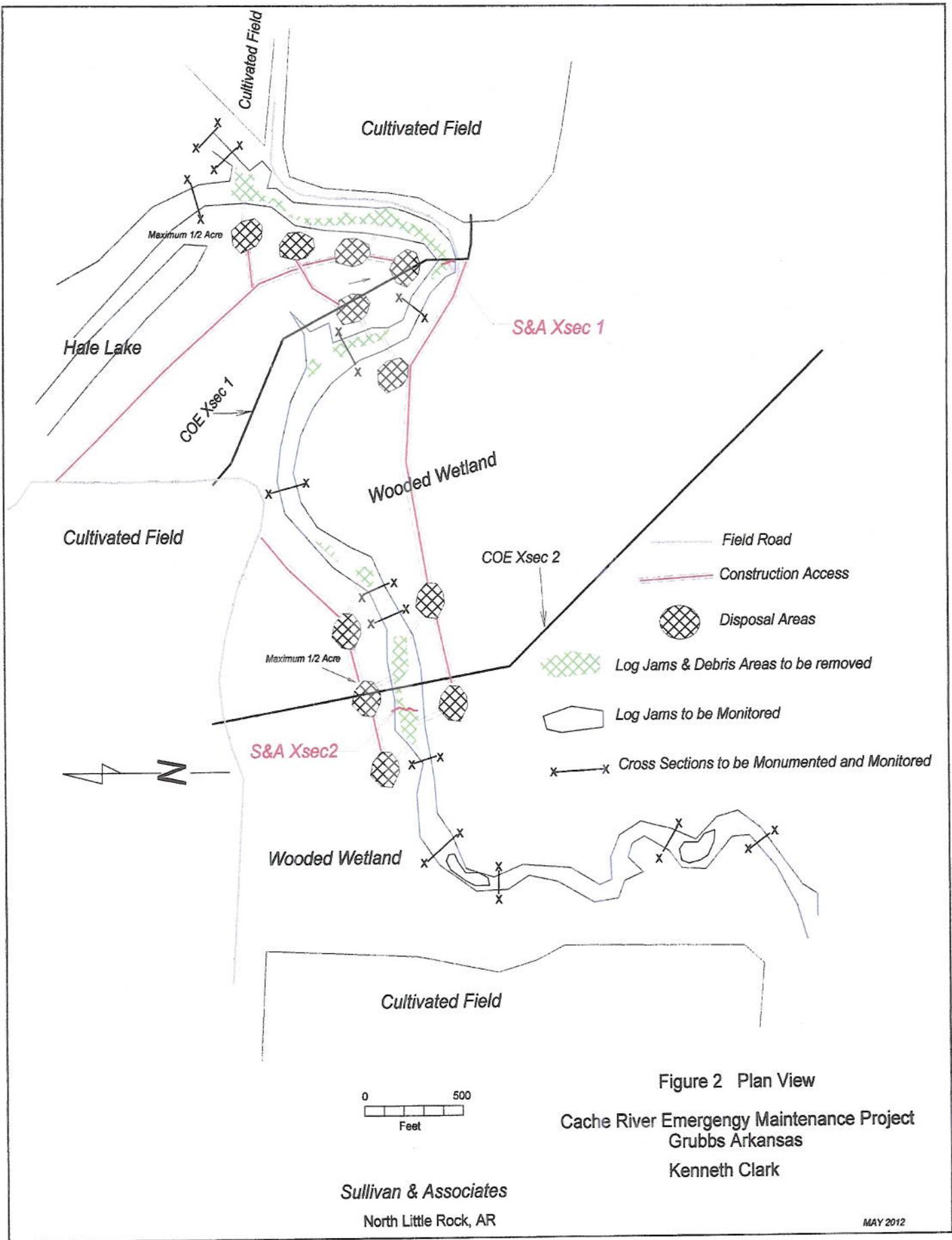


Figure 2 Plan View

Cache River Emergency Maintenance Project  
 Grubbs Arkansas  
 Kenneth Clark

Sullivan & Associates  
 North Little Rock, AR

MAY 2012

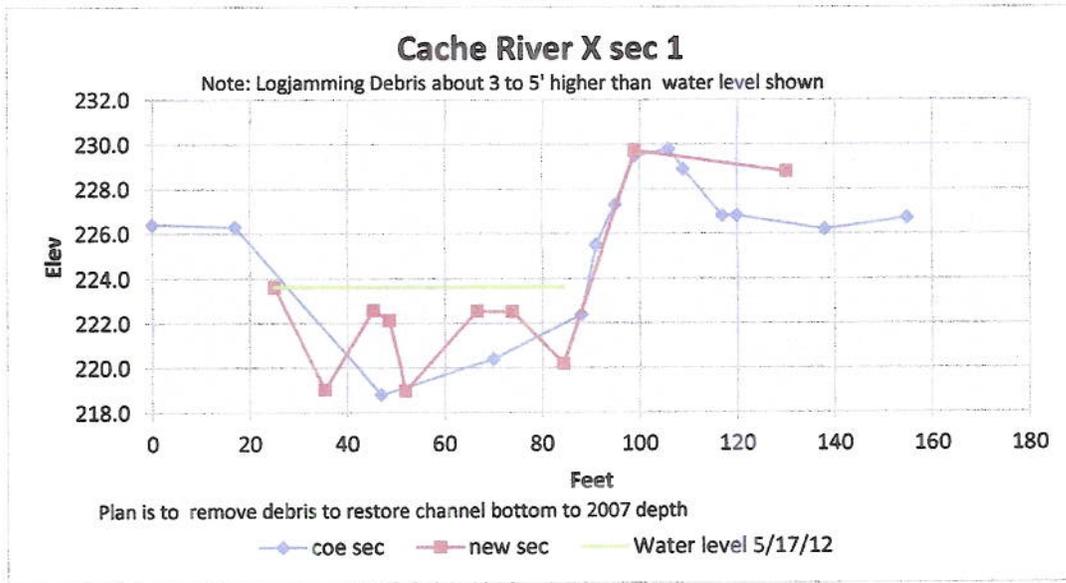


Figure 3

CACHE RIVER MAINTENANCE PROJECT

Kenneth Clark

*Sullivan & Associates*

*North Little Rock, Arkansas*

May 2012

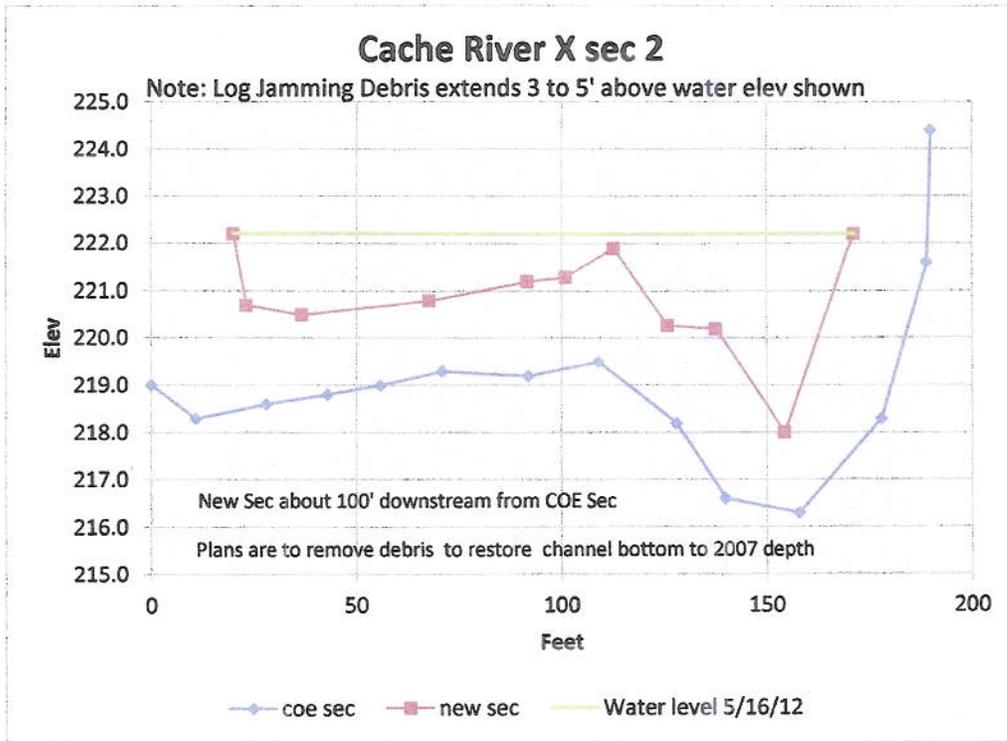


Figure 4

CACHE RIVER MAINTENANCE PROJECT

Kenneth Clark

*Sullivan & Associates*

*North Little Rock, Arkansas*

May 2012