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
Fax: (901) 544-0211
EMail: robert.d.mcdermott@usace.army.mil
POSTMASTER PLEASE POST UNTIL: August 4, 2012

PUBLIC NOTICE NO:
MVM-2011-302 (RDM)

PUBLIC NOTICE DATE:
July 6, 2012

EXPIRATION DATE:
August 4, 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: LFCLP1, LLC
ATTN: Hal Kemp
General Counsel
Post Office Box 3417
Little Rock, Arkansas 72203
(501) 377-3401

AGENT: FTN Associates Ltd.
Gary E. Tucker, PhD
Senior Wetlands Scientist
3 Innwood Circle, Suite 220
Little Rock, Arkansas 72211
(501) 255-7779

LOCATION: The project is located in all or part of Sections 7, 8, 9, 10, 15, 16, 20, 21, & 29, Township 2N, Range 3W, in Monroe County, Arkansas, on the DeValls Bluff SE 7.5 minute quadrangle map (Figure 1).

PURPOSE: The purpose of this project is the expansion of an existing farming operation.

DESCRIPTION OF WORK: The applicant proposes to expand the current footprint of their farming operation. The onsite activities to accomplish this will result in wetland impacts. Twenty-eight separate scrub/shrub or forested wetland areas (mostly small and linear in nature), totaling 31.84 acres, will be cleared and converted to farmland (Figure 2.1-6).

AVOIDANCE, MINIMIZATION, & COMPENSATION: Areas along Malory Bayou and tributaries are being avoided as well as some areas in section 20 determined to be Wetlands (W) by the NRCS (areas determined to be Farmed Wetlands (FW) are currently being farmed) (Figure 3). Wetland areas totaling 31.84 acres are proposed to be impacted by farming operations. Mitigation for these impacts are proposed in the form of on-site, in-kind enhancement of 52.67 acres of early-successional herbaceous wetlands consisting of bushy seedbox, creeping burhead, sesbania, and rough cockle-bur (Figure 4 A & D) and enhancement of 41.07 acres of mid-successional scrub/shrub wetlands consisting of buttonbush, black willow, water elm, swamp smartweed, and creeping burhead (Figure 4 B & C). Enhancement efforts will involve establishment of bottomland hardwoods-dominated forest communities by planting seedlings in these wetland areas. Additionally the applicant proposes the preservation of 26.49 acres of forested wetlands consisting of water elm, water hickory, water locust, swamp privet and bald cypress (Figure 4 E).

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: No endangered or threatened species, or their critical habitat, 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, 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.

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 at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894; Email: robert.d.mcdermott@usace.army.mil; and Mark Hathcote, State Permits Branch, Water Division, Arkansas Department of Environmental Quality, 5301 North Shore Drive, Little Rock, Arkansas 72118-5317; Email: 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 August 4, 2011.

Gregg Williams
Acting Chief
Regulatory Branch

Attachments

Vicinity Map

MVM-2011-302 (RDM)

DeValls Bluff SE 7.5 Minute Series Topographic

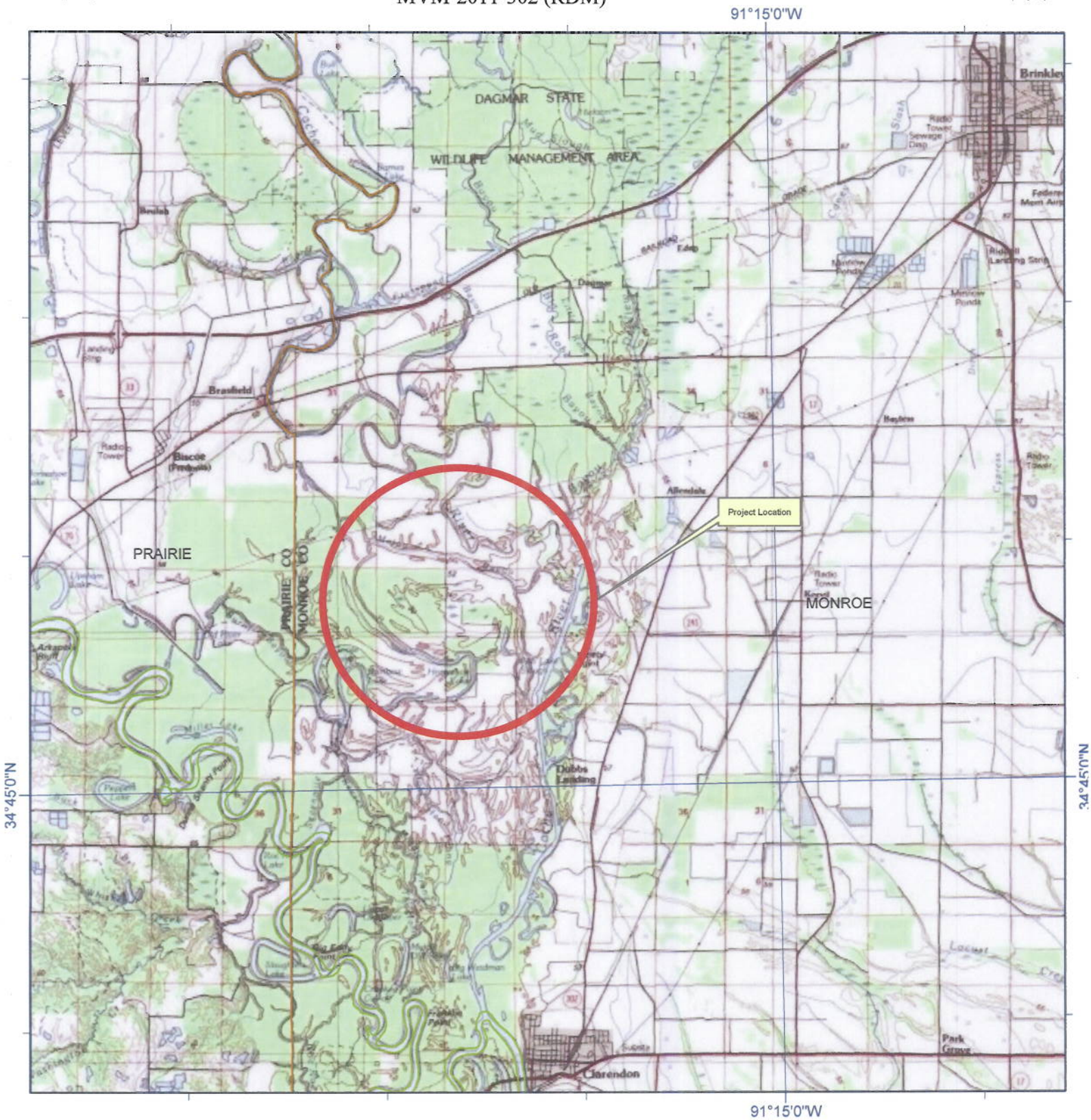

Figure 1

Legend
- MVM.jurisdiction_county_area_mr
- MVM.district_area
- Section10_waters

NGS USA Topographic Maps

N W E S

1:120,000

0 0.5 1 2 3 4 Miles

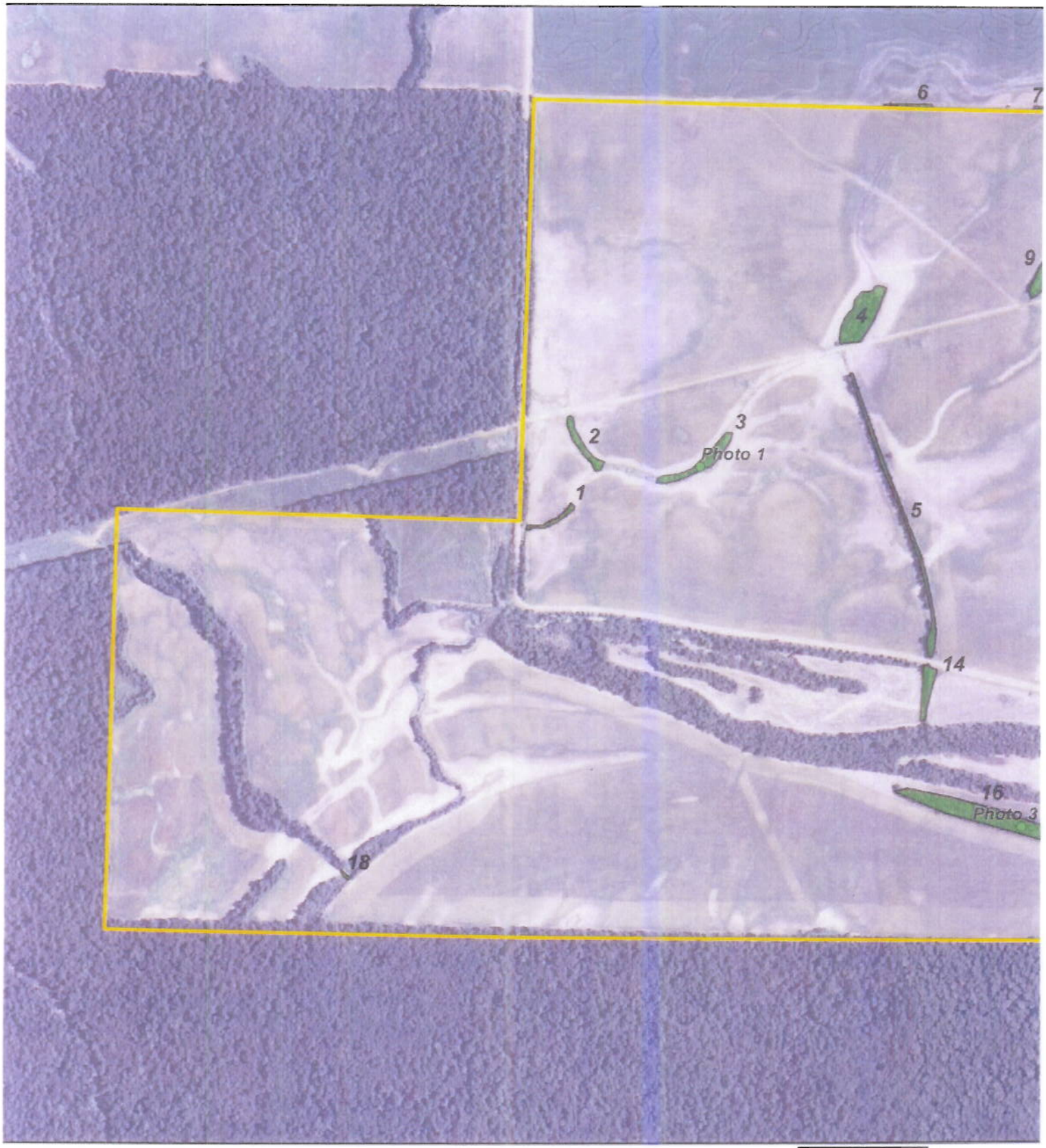

Figure 2.1 Map showing adverse impact areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR.

Figure 2.2 Map showing adverse impact areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR.

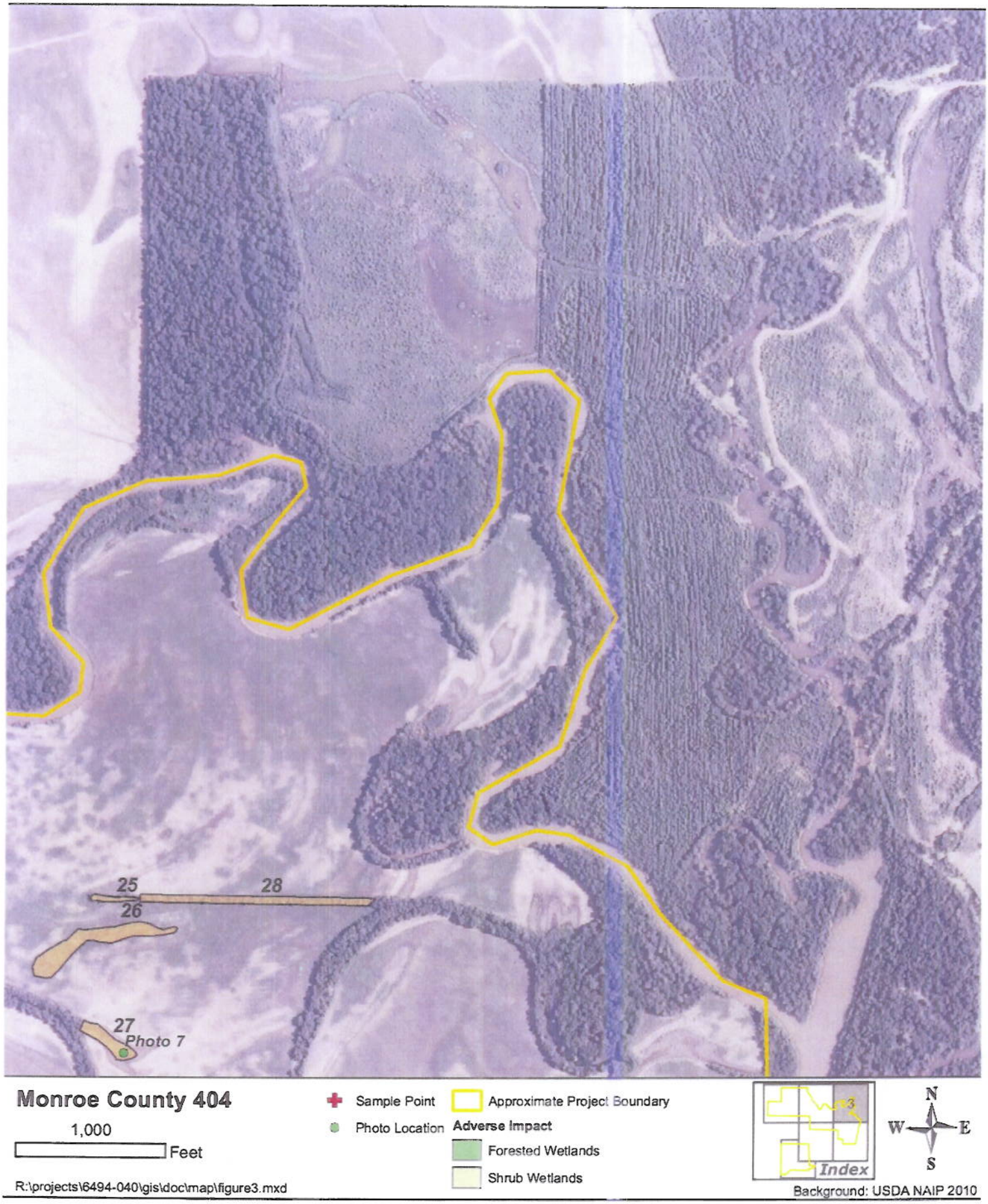

Figure 2.3 Map showing adverse impact areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR.

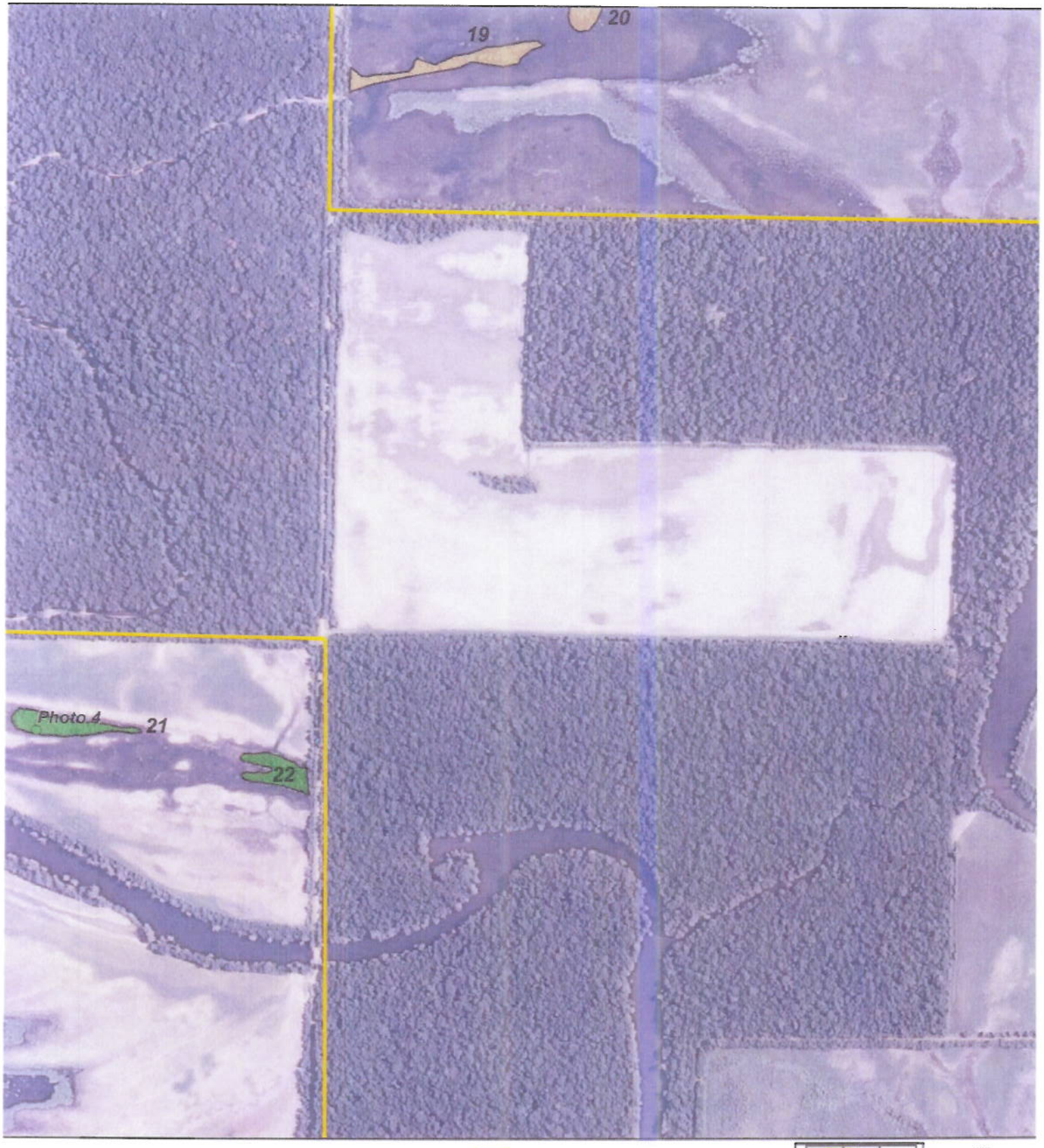

Figure 2.4 Map showing adverse impact areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR.

Figure 2.6 Map showing adverse impact areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR.

WETLAND DELINATION

Date: 8/10/2011

District: CLARENDON SOIL & WATER CONSERVATION DISTRICT
Approximate Acres: 2756.6
Legal Description:

Field Office: CLARENDON SERVICE CENTER
Agency: Natural Resources Conservation Ser.
Assisted By: LARRY HUNT
State and County: AR, MONROE

Figure 3

Legend

- Consplan
- roads100k_l_ar095
- road_tanw_l_ar095
- clu_a_ar095
- soilmu_a_ar095

740 0 740 1,480 2,220 2,960
Feet

N

Figure 4 Map showing mitigation areas based on USDA NAIP 2010 aerial imagery of Monroe County, AR. Figure located in all or part of Sections 20, 21, and 29 of Township 2N Range 3W.