



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-373 (JKB)

NOTICE DATE:
July 30, 2012

Attn: Postmaster,
Please Post Until  EXPIRATION DATE:
August 28, 2012

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:

Mr. Jason Boyd
2518 Spring Lake Road
Paragould, Arkansas 72450
(870) 586-0057

PURPOSE: The purpose of the project is to construct a pond for use as a livestock watering source.

LOCATION: The project site is located in Section 35, Township 18N, Range 5E, in Greene County, Arkansas, at approximate latitude 36.153095 °N and longitude -90.510363°W on the Lafe 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to complete the appropriate dirt work to construct an approximate 5 acre pond for use as a livestock watering source. The pond would impact 1.3 acres of emergent wetlands (Attachment 3). The wetland impact site consists of a mixture of Black Willow (*Salix Nigra*), Pennsylvania Smartweed (*Polygonum Pensylvanicum*), Common Reed (*Phragmites Australis*), and sedges.

AVOIDANCE/MINIMIZATION: According to the applicant, due to the topography of the land the only feasible site for a pond is the proposed location.

MITIGATION: The applicant proposes to mitigate impacts at a 1:1 ratio by allowing 1.3 acres to regenerate naturally. A minimal amount of dirt work may be required in order to create the needed hydrology for the site. The mitigation site is located directly north of the impact site and will be positioned along an unnamed tributary (Attachment 2).

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 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 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

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

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.



Gregg Williams
Acting Chief
Regulatory Branch

Attachments

Mitigation Plan Map

Agency:

Assisted By: CHRISTOPHER STOWERS

Legal Description: F#5478 T#11079
SEC. 35 T18N R5E



Legend

 Proposed Mitigation Area

 UNKNOWN DITCH

 UN-1

 T#11079



Jason Boyd Wetland Del. F# 5478 T#11079



ATTACHMENT 3

