



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**REPLY TO ATTN:** Josh Bright  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0731  
Fax: (901) 544-0211  
EMail: joshua.k.bright@usace.army.mil  
**POSTMASTER PLEASE POST UNTIL:**

**PUBLIC NOTICE NO:**  
MVM-2004-232 (JKB)

**PUBLIC NOTICE DATE:**  
September 13, 2004

**EXPIRATION DATE:**  
October 13, 2004

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**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:** Fred Ligon, Jr  
Willow Lake Club Inc.  
PO Box 517  
Marvell, Arkansas 72366  
(870) 338-1338

**LOCATION:** The project is located in Sections 20 and 21, Township 4S, Range 1E, in Phillips County, Arkansas, at approximate latitude 34.3381 and longitude -91.0171 on the Indian Bay SE AR 7.5 minute quadrangle map (see attached maps).

**PURPOSE:** The purposes of this project are to increase wetland acres and wildlife habitat on the northern boundary of Willow Lake by increasing the size of the reservoir boundary.

**DESCRIPTION OF WORK:** The applicant proposes to dredge a canal and build a levee splitting one large reservoir into two smaller reservoirs. Approximately 18,000 cubic yards of material will be removed from the bottom of the canal and will be used to build the levee. The levee will have a length of approximately 3,800 feet, with a bottom width of 30 feet, top width of 10 feet, and a height of 6 feet. Construction of the levee would require filling approximately 2-3 acres of wetlands and/or open water. The applicant intends to lower the water level in the newly created lower reservoir to create more wetland habitat. The newly created upper reservoir would also be managed to increase wetland habitat. The upper reservoir would be approximately 40-45 acres in size while the lower one would be approximately 450 acres. Currently the lake contains primarily swamp privet (*forestiera acuminata*) within the shallow water areas. Also scattered within the lake are bald cypress (*taxodium distichum*). The upper edge of the reservoir contains a small (approximately five acres), seasonally flooded, wooded wetland that is dominated by black willow (*salix nigra*), eastern cottonwood (*populus deltoides*), sugar-berry (*celtis laevigata*), and swamp privet. It is not anticipated that this area would be significantly affected by the proposed project. Any additional seasonal flooding would inundate cropland. The water levels in the entire reservoir are currently controlled by a flap-gate pipe that can be altered without the need for a Section 404 permit. Water control structures in the new levee would be installed to Natural Resources Conservation Service specifications. The construction of the new levee requires a Section 404 permit.

The applicant is proposing several potential mitigation sites to account for wetland losses caused by the levee (see attached maps). The mitigation site will be planted in bottomland hardwood trees and will be monitored for at least five years to ensure success. Based on the information obtained from this public notice, a decision will be made on which mitigation site or sites will be the best for the applicant.

**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. Commenters are requested to also furnish a copy of their comments to the Arkansas Department of Environmental Quality, State Permits Branch, Water Division, 8001 National Drive, Little Rock, Arkansas 72219-8913. The Department will consider all

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relative comments in the decision to grant or deny water quality certification for the proposed activity. 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 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 appraise 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.

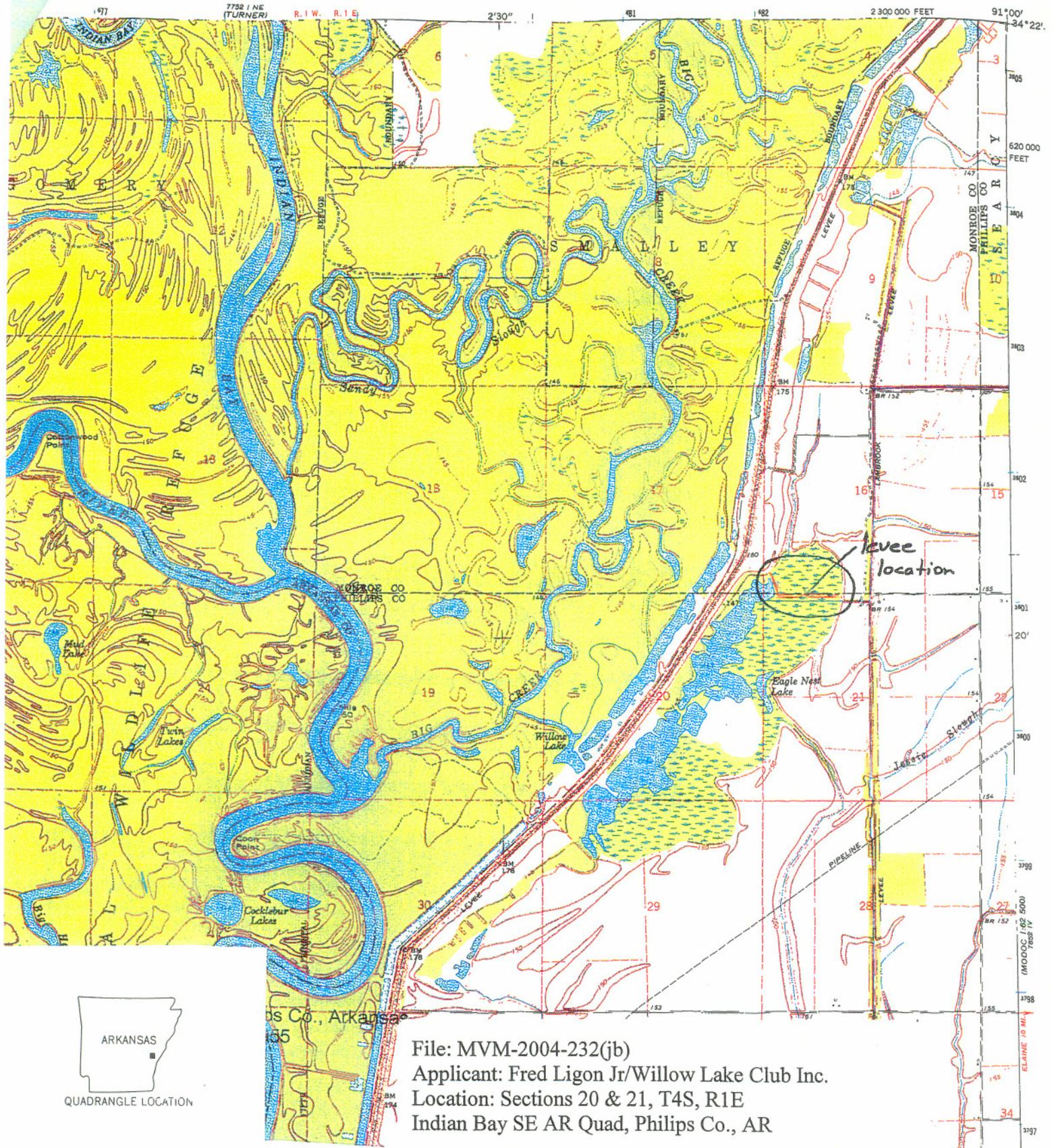
**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Tim Davis (901-544-0734) or Josh Bright (901-544-0731) at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision.

Comments should be received by October 13, 2004.



Larry D. Watson  
Chief, Regulatory Branch

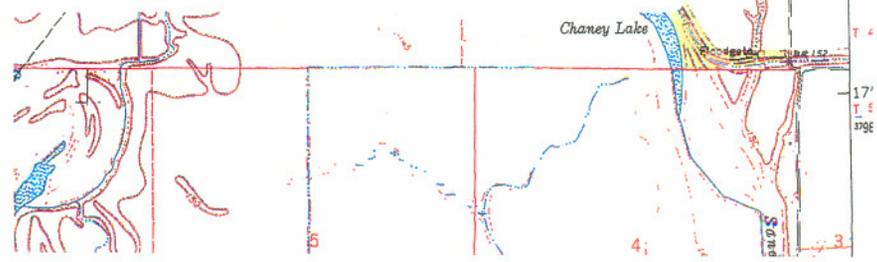
Attachments

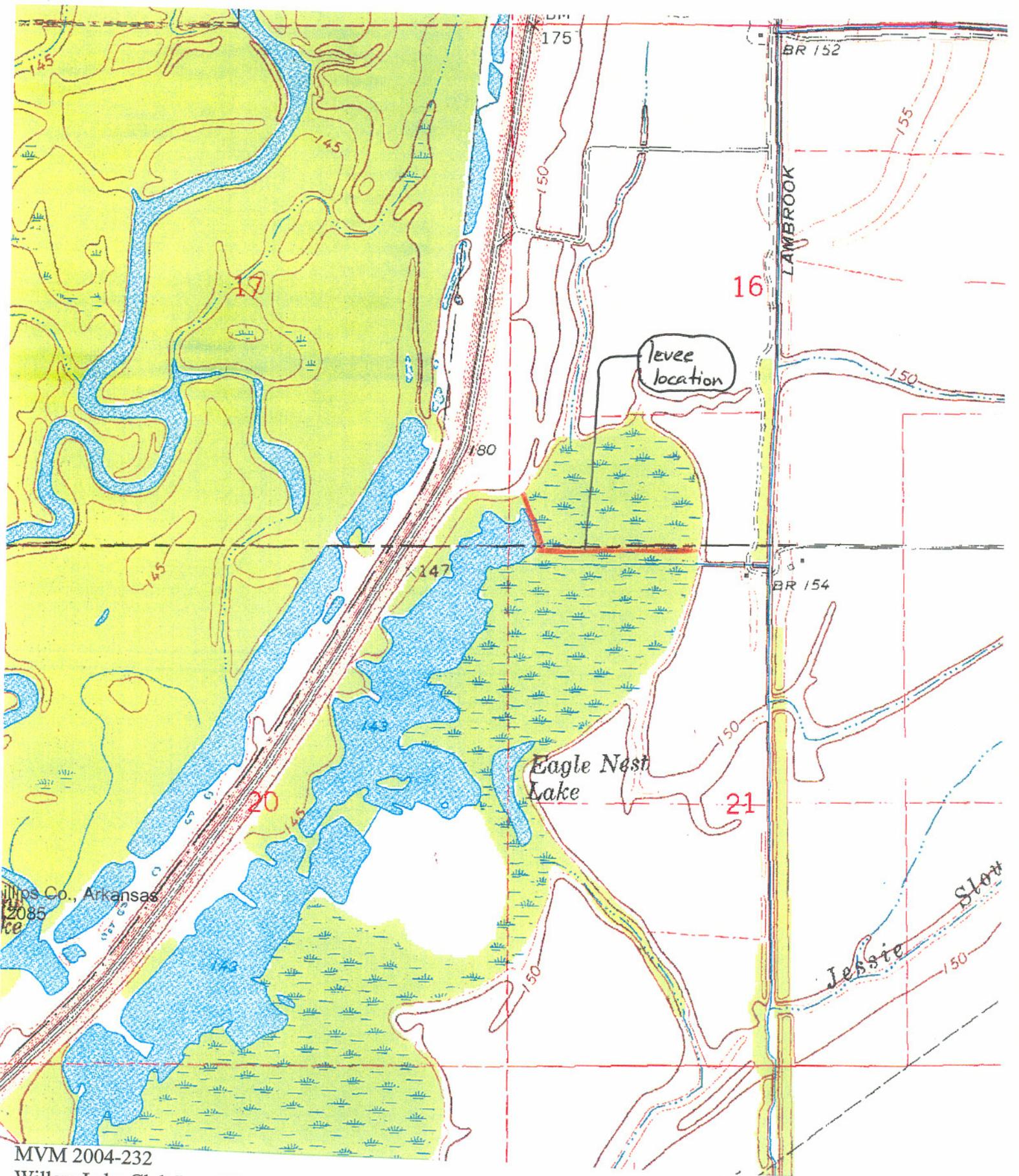


File: MVM-2004-232(jb)  
 Applicant: Fred Ligon Jr/Willow Lake Club Inc.  
 Location: Sections 20 & 21, T4S, R1E  
 Indian Bay SE AR Quad, Philips Co., AR

INDIAN BAY SE, ARK.  
 SE/4 INDIAN BAY 15' QUADRANGLE  
 N3415—W9100/7.5

1967  
 SCALE 1:24000



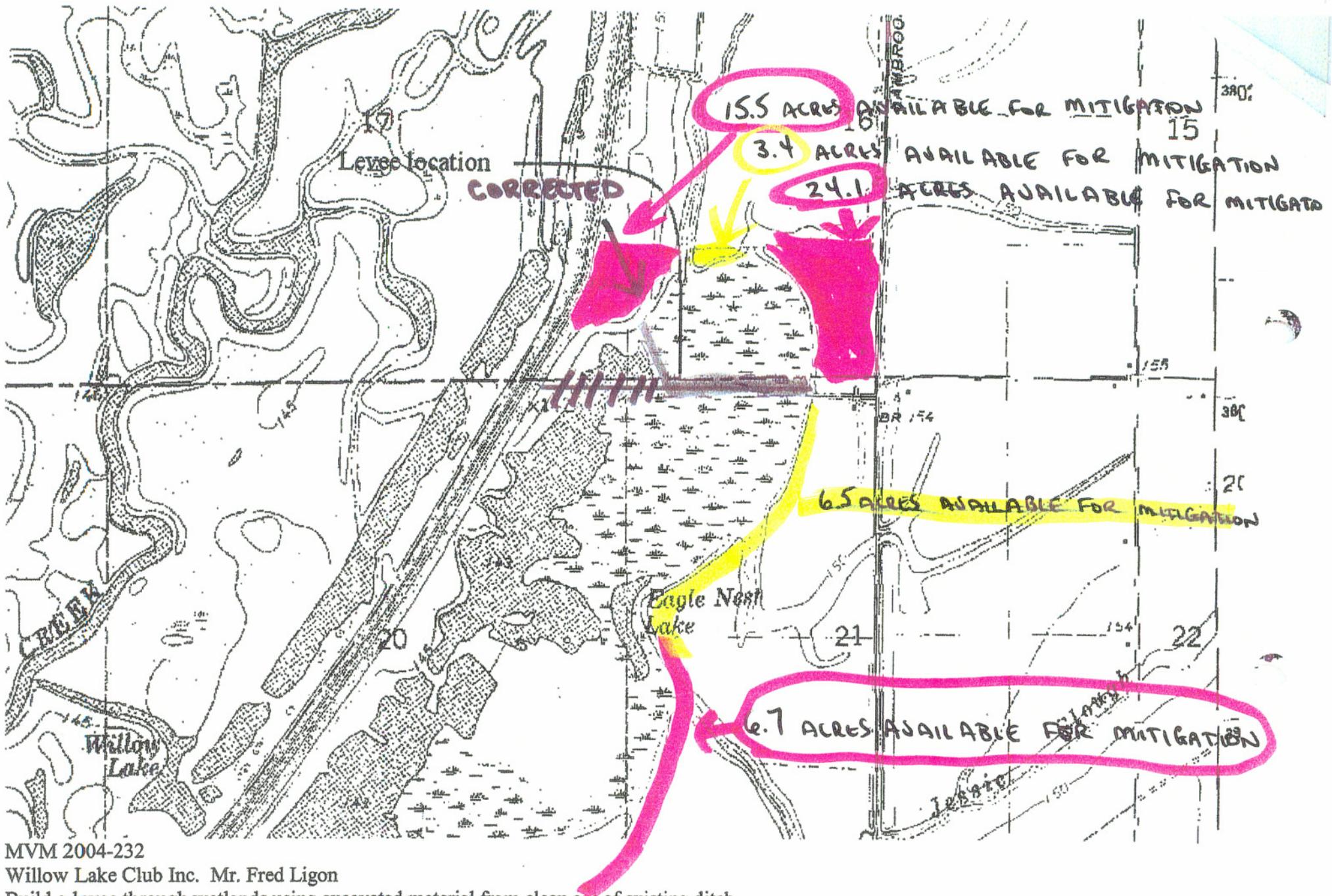


MVM 2004-232

Willow Lake Club Inc. Mr. Fred Ligon

Build a levee through wetlands using excavated material from clean out of existing ditch.

Indian Bay SE AR Quad, Zone 15, Sections 20 & 21, T 4S, R1E



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