



US Army Corps  
of Engineers  
Memphis District

# Public Notice

REPLY TO ATTN: Judy O. DeLoach  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0737  
Fax (901) 544-3266  
EMail: Judy.O.DeLoach@usace.army.mil  
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:  
MVM-2004-433 (JOD)

PUBLIC NOTICE DATE:  
October 1, 2004

EXPIRATION DATE:  
November 1, 2004

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 an After-The-Fact Department of the Army permit under Section 404 of the Clean Water Act. This notice also announces an application submitted for certification by the Arkansas Department of Environmental Quality.

**APPLICANT:** Brushy Lake Hunting Club  
James T. Galyon, President  
1387 Hayne  
Memphis, Tennessee 38119  
(901) 682-5642

**AGENT:**

**LOCATION:** The project is located near Wynne (Section 36, Township 8N, Range 1E) in Cross County, Arkansas, at approximate latitude 35-16-32.0066 and longitude -90-56-07.7089 on the Central 7.5 minute quadrangle map. Enclosures 1 and 2 show the location.

**PURPOSE:** The purpose of the project is to create a levee to pond water to ensure waterfowl hunting opportunities.

**DESCRIPTION OF WORK:** In the project area, Brushy Creek is a braided system with a west and east channel. The applicant owns 256 acres of property in the project area. The site contains expanses of wetlands, swamp areas and sloughs. The applicant is seeking an after-the-fact permit to construct a levee with four water control structures across the west channel. The levee fill would be placed in Brushy Creek and would hold water on approximately 10 acres of jurisdictional wetlands and other waters as shown on Enclosure 2. Dominate vegetation of the site, ponded from the levee, is buttonbush, smartweed and black willow. The levee footprint would extend across the western channel of Brushy Creek for approximately 100 feet, fork to the northeast for approximately 74 feet, and fork to the southeast for approximately 28 feet. The maximum levee height would be 9 feet across the channel. A drawing of the levee is included in Enclosure 3.

The applicant stated that when the water control structures are closed, the water backs up and eventually enters the eastern channel and continues on its downward passage. The applicant stated that the plan was to allow unhindered water flow to allow tree planting and planting of food plots on the Brushy Lake Club, except during part of November, December, and possibly early January depending upon the hunting season.

**Water Control Structures:** The levee has four culverts, each 24-inches in diameter. The applicant proposes to keep the culverts open most of the year and close them during duck hunting season. The culverts would be closed by placing a piece of plywood over the upstream opening as shown on Enclosure 4.

**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 is complying with the National Historic Preservation Act of 1966 and implementing regulations found in 36 CFR Part 800. The Memphis District will evaluate information provided by the State Historic Preservation Office 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 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.

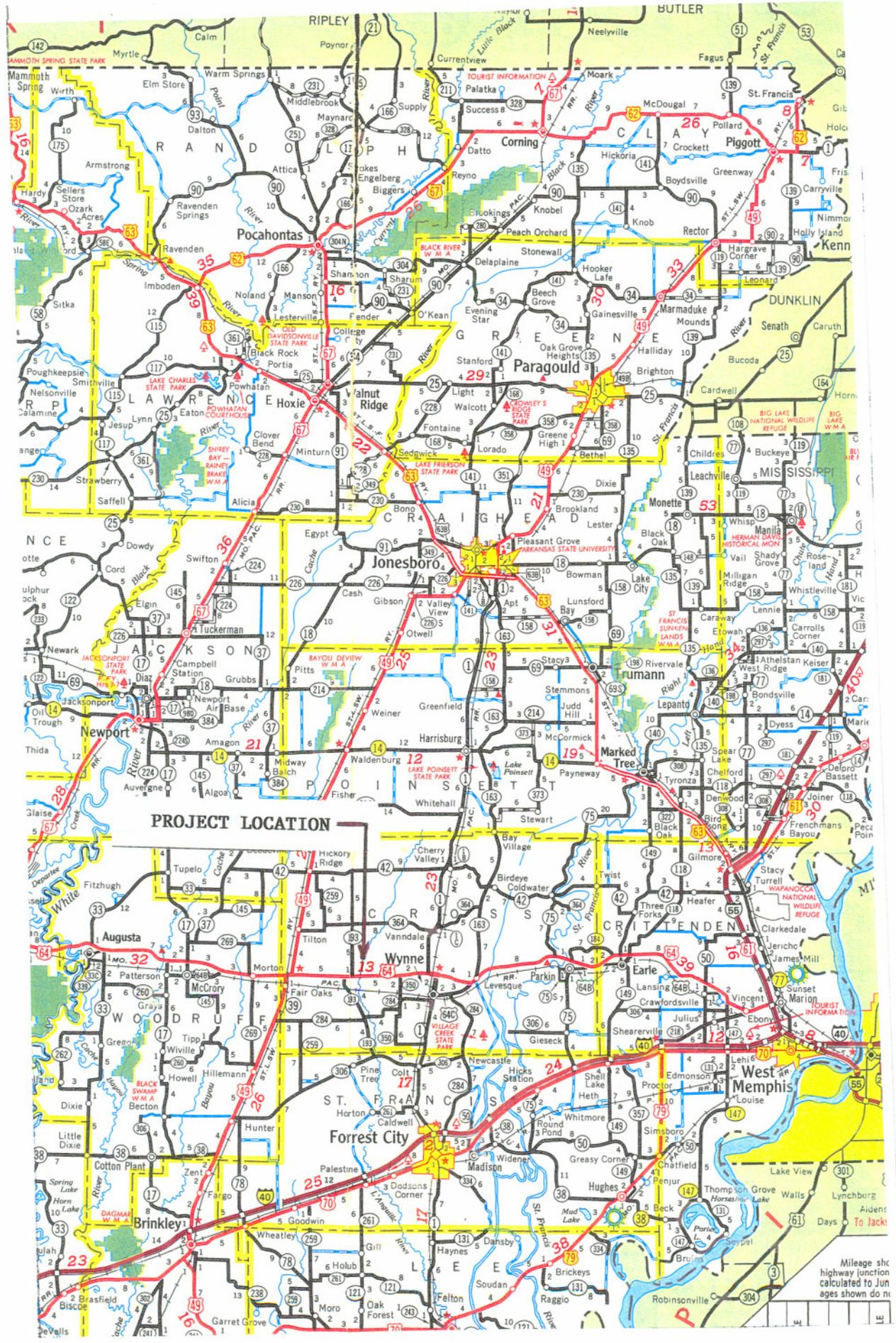
**HOW TO SUBMIT COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District and Arkansas Department of Environmental Quality. Comments may be sent via mail or e-mail to the following: Judy O. DeLoach, US Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894; e-mail: [judy.o.deloach@mvm02.usace.army.mil](mailto:judy.o.deloach@mvm02.usace.army.mil); and Kevin Dorman, State Permits Branch, Water Division, Arkansas Department of Environmental Quality, 8001 National Drive, Little Rock, Arkansas 72219-8913; e-mail: [DORMAN@adeq.state.ar.us](mailto:DORMAN@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 November 1, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Enclosure



PROJECT LOCATION

Mileage shc  
highway junction  
calculated to Jun  
ages shown do n

File No.: MVM-2004-433  
Brushy Lake Hunting Club



**Enclosure 2**  
Plan View of Levee Location and  
Area Poned From Levee  
File No: MVM-2004-433/Brushy Lake  
Hunting Club

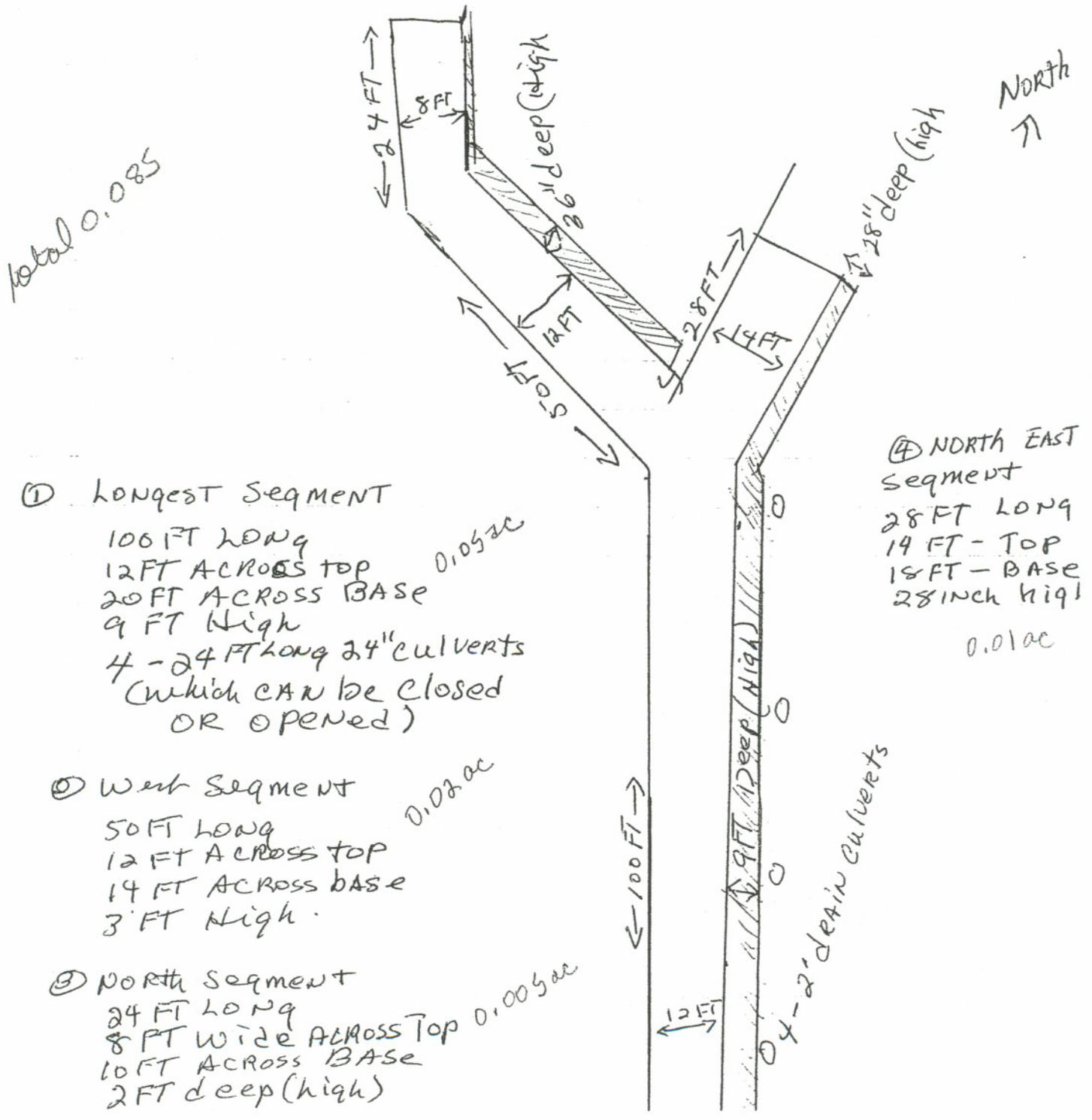


# Brushy LAke Hunting Club Weir

## Enclosure 3

Drawing of Levee

File No: MVM-2004-433/Brushy Lake  
Hunting Club



① Longest Segment  
 100 FT LONG  
 12 FT ACROSS TOP  
 20 FT ACROSS BASE  
 9 FT High  
 4 - 24 FT long 24" culverts  
 (which can be closed  
 OR OPENED)

② West Segment  
 50 FT LONG  
 12 FT ACROSS TOP  
 14 FT ACROSS BASE  
 3 FT High

③ North Segment  
 24 FT LONG  
 8 FT Wide ACROSS TOP  
 10 FT ACROSS BASE  
 2 FT deep (high)

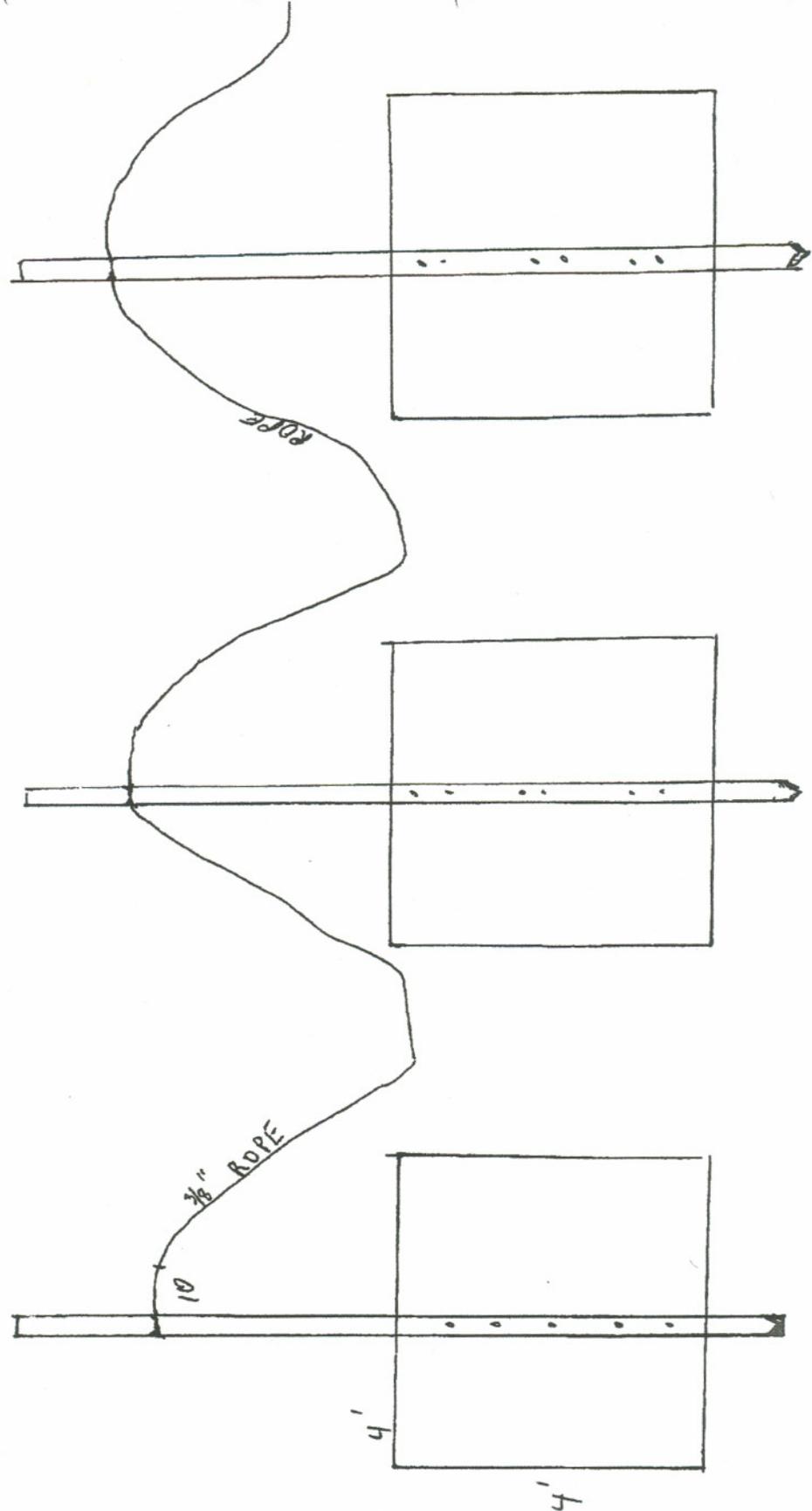
④ NORTH EAST Segment  
 28 FT LONG  
 14 FT - TOP  
 18 FT - BASE  
 28 inch high

total 0.085

0.05 ac

0.01 ac

4 - 2" drain culverts



4 PIECES IN TOTAL

**Enclosure 4**

Drawing of pipe water control structure  
File No: MVM-2004-433/Brushy Lake  
Hunting Club