



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**REPLY TO ATTN:** James L. Snell  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0733  
Fax (901) 544-0211  
EMail: James.L.Snell@usace.army.mil  
**POSTMASTER PLEASE POST UNTIL:** October 4, 2004

**PUBLIC NOTICE NO:**  
MVM-2004-609 (JLS)

**PUBLIC NOTICE DATE:**  
September 3, 2004

**EXPIRATION DATE:**  
October 4, 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:** Martin J. Votaw, Jr.  
1538 S. Mary Ave.  
Sunnyvale, CA 94807  
(408) 245-5909

**LOCATION:** The project is located in Section 30, Township 10N, Range 1E in Poinsett County, Arkansas, at approximate latitude 35.4735 and longitude 91.0281 on the Beedeville 7.5 minute quadrangle map. Directions to the site from Fisher, Arkansas are: west on Bayou Rd. for 3.5 miles to Alexis Lane. Turn south on Alexis Lane and go ½ mile to beginning of project.

**PURPOSE:** The purpose of this project is to construct an irrigation reservoir and pipeline for irrigation. A raised road will be constructed for access to the pipelines and a recovery ditch will be built next to the road to pump water back into the reservoir.

**DESCRIPTION OF WORK:** An irrigation reservoir is planned for construction in an agricultural field classified as prior converted farm ground. A pipeline will be constructed from the reservoir to agricultural fields for irrigation. A service road will be constructed across Three Mile Creek and adjacent wetlands for access to the pipelines in the agricultural fields. The road will have a maximum height of five feet with an average height of three feet. The maximum base width of the road will be 32 feet with an average width of 24 feet. The top of the road will have a 12-foot top with 2H: 1V side slopes. Two 7-foot-diameter by 60-foot length culverts will be installed in Three Mile Creek. Two other 30-inch-diameter by 32-foot length culverts will be installed in the road to prevent restriction of flows. The road is 1,100 feet in length. A recovery ditch will be constructed from Three Mile Creek east to the reservoir. The ditch will have a 32-foot top width and 8-foot bottom and will be approximately 6 feet deep and run next to the road a distance of 700 feet. The area where the road will be constructed has recently had the timber harvested. The total direct wetland impact from construction of the access road and recovery ditch is approximately 1.3 acres. The applicant has agreed to mitigate on site by planting 2.6 acres of bottomland hardwood seedling in an agricultural field.

**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.

**Brewer Farms  
MVM-2004-555 (JLS)**

**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 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.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact James L. Snell at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0733. 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.

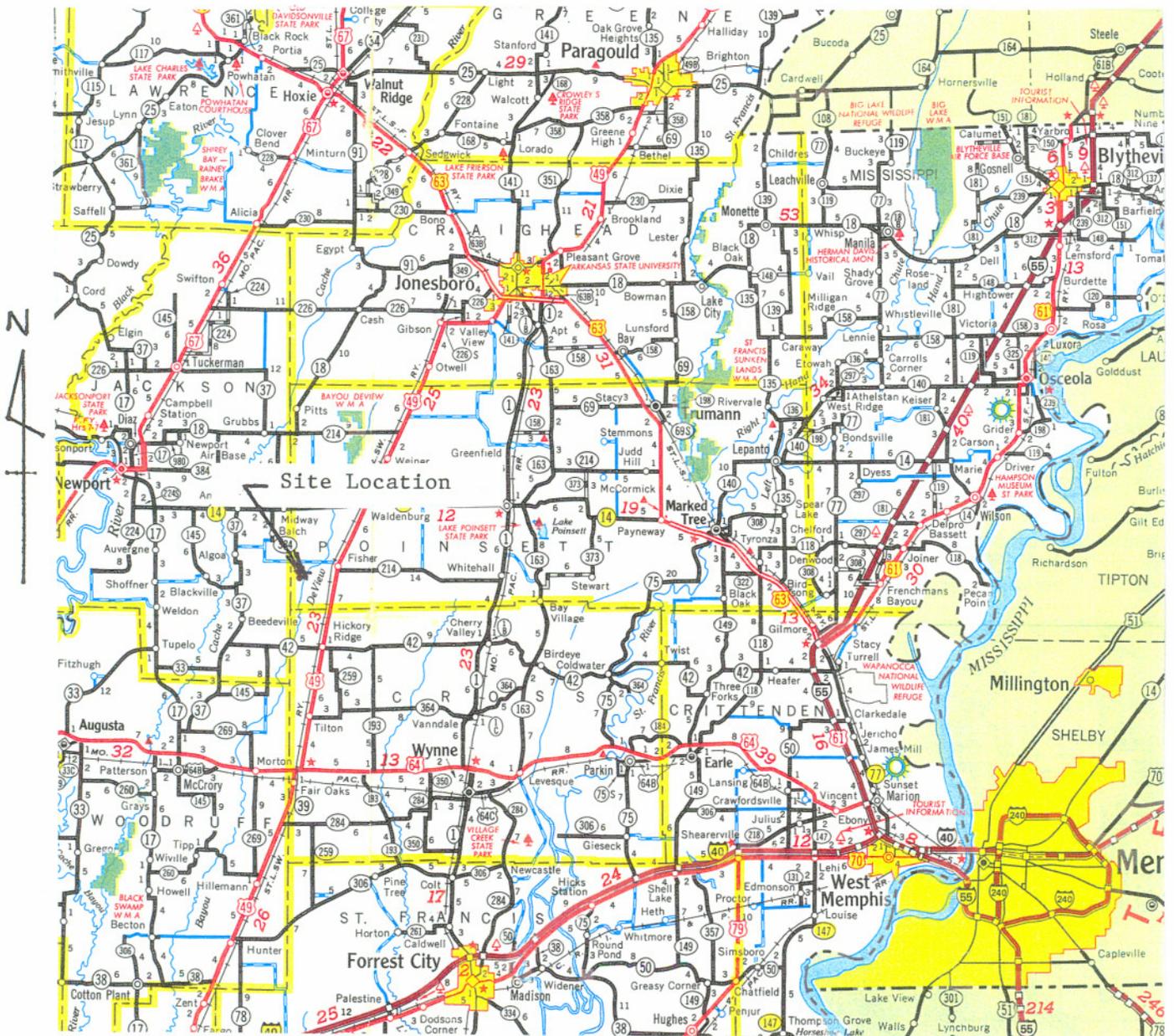
Comments should be received by October 4, 2004.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments

LOCATION MAP

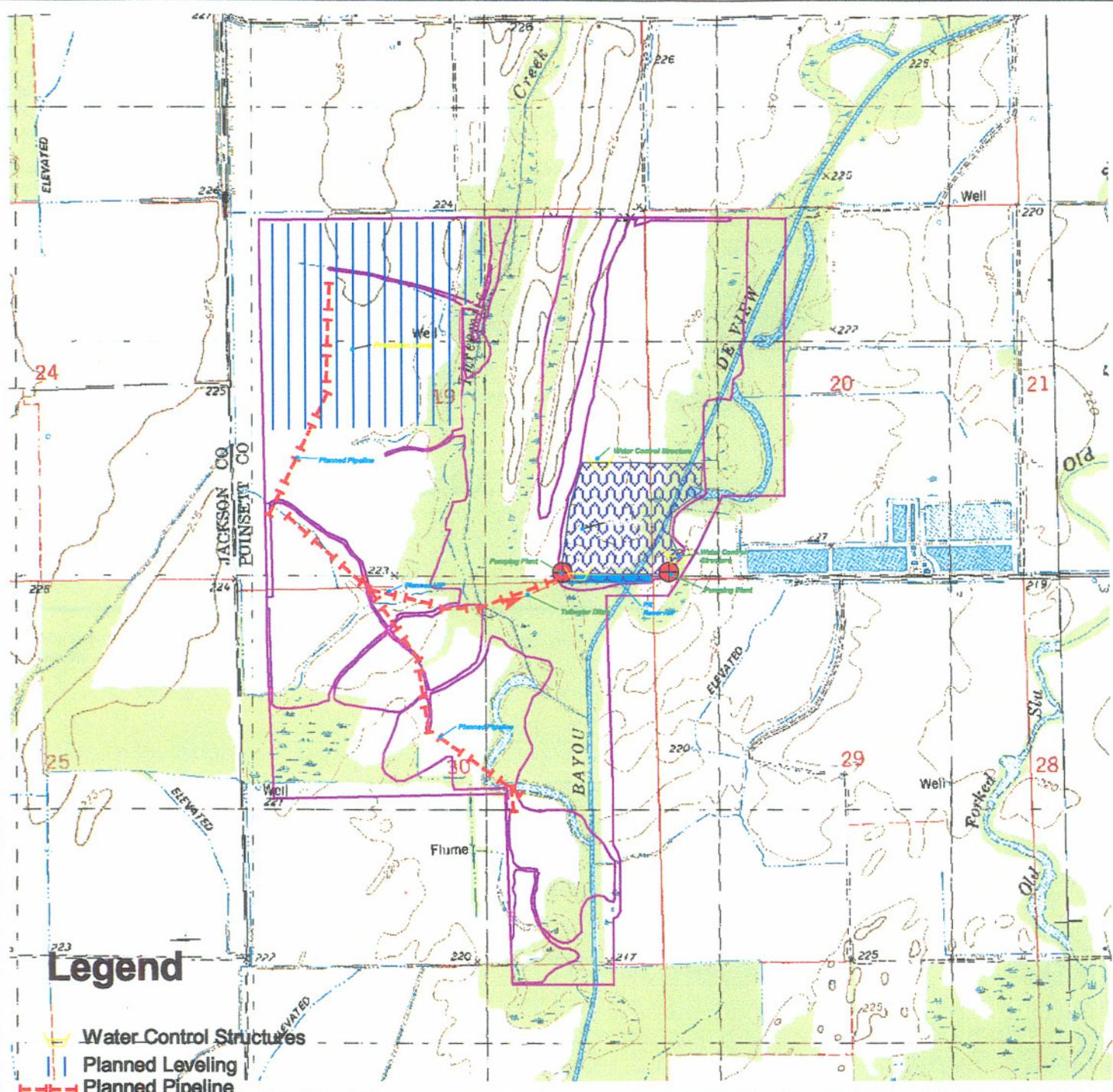


Applicant: Martin J. Votaw, Jr.  
MVM-2004-609 (JLS)

# Topo Map Beedeville Quad

Poinsett  
Date: 07/13/2004

Farm #160  
Tract #156



## Legend

-  Water Control Structures
-  Planned Leveling
-  Planned Pipeline
-  Planned Pumping Plant
-  Planned TWR Ditch
-  Regulating Reservoir
-  Planned Reservoir
-  Planned Land Units



3000                      0                      3000                      6000 Feet







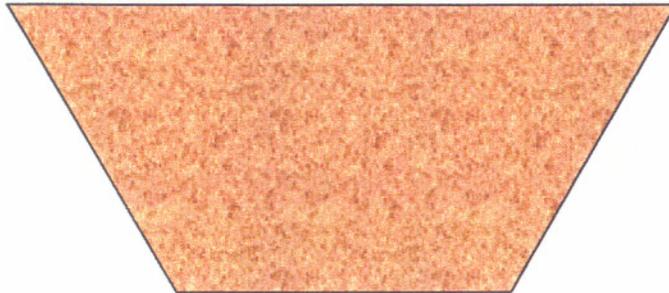
K-Section  
 Three Mile  
 Service Road  
 Mar. 5:11 5'  
 Aug. 5:11 3'  
 24' x 1100' =  
 Approx. 3000

Votaw Farm

# MARTIN J VOTAW IRRIGATION PROJECT

Poinsett County, Arkansas

Recovery Ditch  
700 feet long  
32' Top Width



6' Avg  
Depth

8' Bottom Width  
Approximately 3000 cubic yards of earth

Permanent Road  
Approximately 1100 feet long  
12' Top Width



3' Avg  
Fill

30' Base Width  
Approximately 3000 cubic yards of earth