



US Army Corps
of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Randy Clark
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-0735
Fax: (901) 544-0211
EMail: James R. Clark@usace.army.mil
POSTMASTER PLEASE POST UNTIL:

PUBLIC NOTICE NO:
MVM-2007-371

PUBLIC NOTICE DATE:
July 18, 2007

EXPIRATION DATE:
August 17, 2007

Joint Public Notice
Corps of Engineers
and
State of Kentucky

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:
Kenneth Barnes
5765 Mount Olive Road
Union City, Tennessee 38261
Telephone (731) 446-9132

LOCATION: The proposed project is located at the confluence of Bayou de Chien Creek and Mud Creek, just north of KY 94 and left of Boyle Road in Fulton County, Kentucky at N 36.58489 and I W 89.13453 (see attached map).

PURPOSE: The purpose of the proposed project is establishing a waterfowl hunting area.

DESCRIPTION OF WORK: The proposed project involves the construction of a levee to hold water for waterfowl. The levee will be approximately 1600 feet long, 90 feet wide with a height of five feet (see attached drawings). Side slopes will be at a 6H:1V. A water control structure located near the levee's mid-point will consist of a 30-inch diameter pipe, with a flap gate. The levee will be constructed entirely in wooded wetlands consisting of species of American elm, water oak, box elder, sycamore, green ash, black willow, and overcup oak. Approximately 3.30 acre of impacts will be directly associated with the levee construction. These impacts will be mitigated on site by planting a minimum of 7.0 acres of prior converted cropland in bottomland hardwood tree species and a required mitigation plan will be developed.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Department of Environmental Protection, Division of Water 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. However, 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 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.

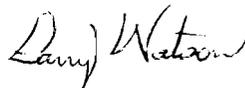
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may 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; 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.

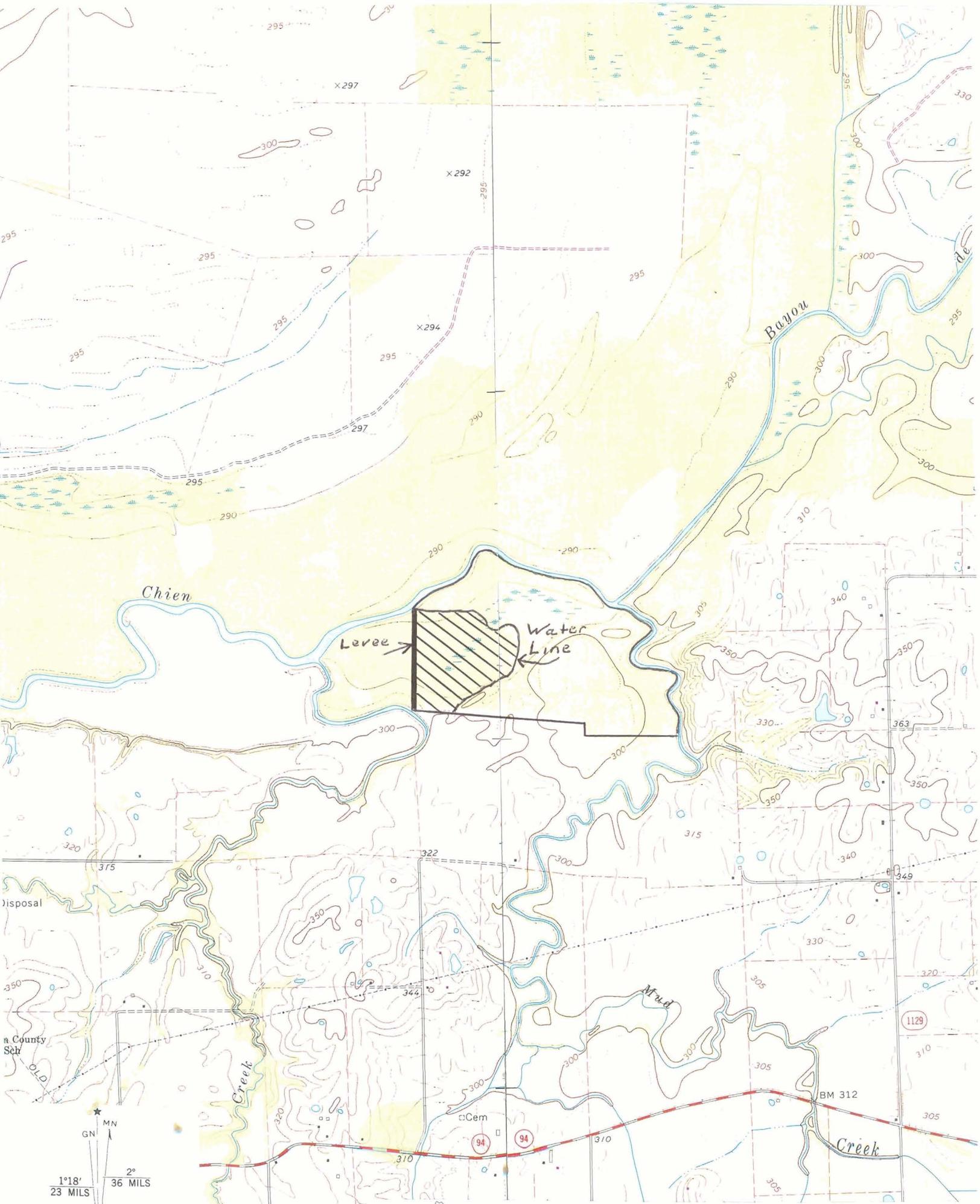
COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Randy Clark at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0735. Copies of 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 17, 2007.

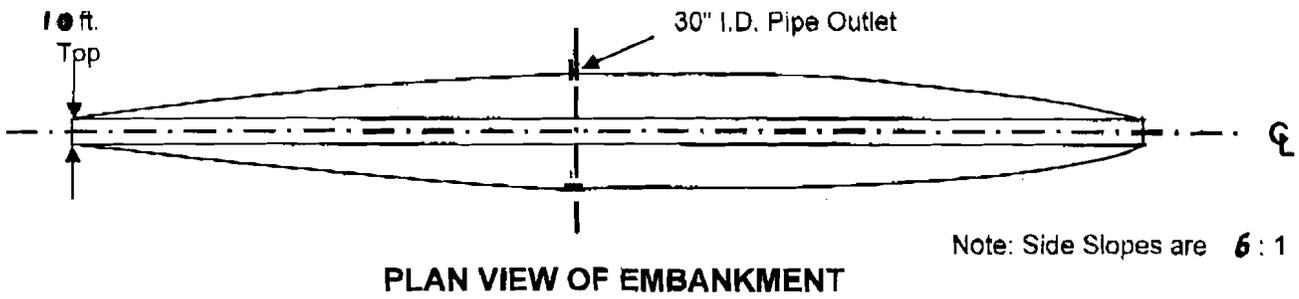
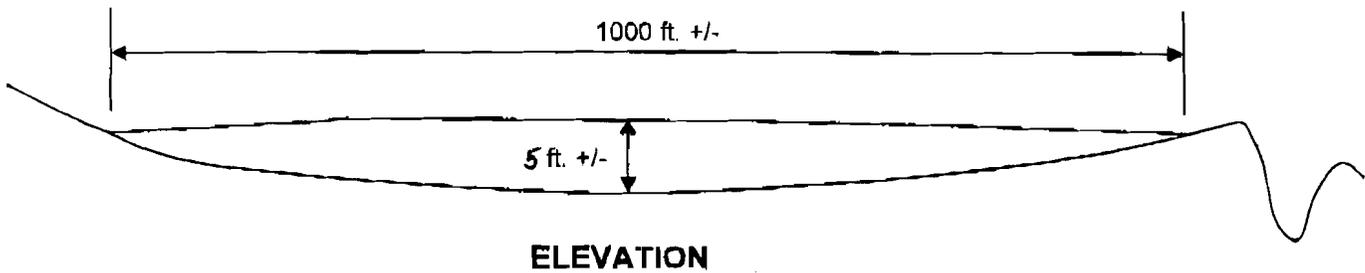


Larry D. Watson
Chief
Regulatory Branch

Attachments



JTM GRID AND 1983 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



Approx. Volume of Fill = 26,667 Cu. Yd.

KENNETH BARNES
WATER IMP. FOR DUCKS
FULTON CO., KY.