



US Army Corps
of Engineers
Memphis District

Public Notice

GRAND PRAIRIE GENERAL PERMIT
FILE NUMBER: MVM-2005-479

NOTICE DATE:
November 1, 2006

EXPIRATION DATE:
⇒ **March 2, 2011**

Joint Public Notice
U.S. Army Corps of Engineers
Memphis District and Vicksburg District
and
State of Arkansas

**EXTENSION OF GENERAL PERMIT FOR CONSTRUCTION
OF IRRIGATION RESERVOIRS IN THE GRAND PRAIRIE AREA DEMONSTRATION PROJECT**

The District Engineers, U.S. Army Corps of Engineers, Vicksburg and Memphis Districts, announce the extension of the Grand Prairie General Permit (GP-GP). The GP-GP is to expire "...when 200 acres of farmed wetlands or 60 acres of natural wetlands from all on-farm construction funded by the project have been impacted or on **March 2, 2011**, if the acreage limits are not exceeded prior to this time". This GP is used to authorize the discharge of dredged or fill material into waters of the United States associated with the installation of on-farm irrigation systems approved under the Grand Prairie Area Demonstration Project (GPADP).

Three minor changes to the text of specific terms and conditions of the GP-GP are listed below. In the 5th sentence of the 1st paragraph, the phrase "...and the final environmental assessment for subsequent design changes" has been added, and the web site address has been updated. Also, a requirement has been added that an applicant must provide the Corps of Engineers with documentation that the on-farm irrigation plan has been reviewed by the State Historic Preservation Officer (SHPO) along with the result of that consultation. All terms and conditions (as amended) are described in the attachments.

Larry D. Watson
Chief, Regulatory Branch

Attachments

Grand Prairie General Permit
Terms & Conditions

This general permit (GP) is effective within the regulatory jurisdiction of the GPADP boundaries, which are primarily in the Memphis District with a portion in the Vicksburg District in the State of Arkansas. The project area is located in eastern Arkansas and includes significant portions of Arkansas and Prairie Counties and small portions of Monroe and Lonoke Counties (see attached map). The Planning, Programs, and Project Management Division of the Memphis District and the Natural Resources Conservation Service (NRCS), as a cooperating agency, have investigated water conservation measures; groundwater management strategies; irrigation water supply; and fish and wildlife, recreation, and environmental protection/restoration measures that could potentially be implemented within the project area. The GPADP includes a 1,640 cubic feet per second import system to divert excess surface water from the White River, 8,849 acres of new on-farm irrigation reservoirs, on-farm tail-water recovery systems, restoration of prairie vegetation, and the annual flooding of 38,529 acres of harvested rice fields (on an average annual basis) for waterfowl. All 11 volumes of the GPADP General Reevaluation Report (including the final environmental impact statement and the final environmental assessment for subsequent design changes) can be accessed through the Memphis District web site at <http://www.mvm.usace.army.mil/grandprairie/default.asp>. GPADP on-farm irrigation plans will consist of pipelines, irrigation ditches, tail-water recovery systems, pumping plants, water control structures, grade stabilization structures, access roads, and associated structures.

This General Permit will expire when 200 acres of farmed wetlands or 60 acres of natural wetlands from all on-farm construction funded by the project have been impacted, or on March 2, 2011, if the acreage limits are not exceeded prior to this time. The Memphis District Planning, Programs, and Project Management Division will maintain the records and ensure these limitations are not exceeded. Agency participation through the on-farm environmental review team will also ensure that this limit is not exceeded. Certain activities mentioned above may be exempt from permitting requirements of the Clean Water Act per 33 CFR 323.4(a)(3). Each on-farm plan will be evaluated by the appropriate Corps district to determine if the above mentioned exemption will apply. This GP pertains only to the irrigation reservoirs. Other aspects of the project will be covered by the above exemption, appropriate nationwide or an individual permit. Appropriate mitigation under the Corps permit program will be required for the loss of wetland functions and values associated with reservoir construction under this GP. The goal will be no net loss of wetland functions and values for the irrigation reservoirs. If aspects of the project are determined to be exempt, those activities will not require mitigation under this GP, although the GPADP will provide separate mitigation as part of the Federal project.

This GP contains certain limitations and conditions intended to protect the natural and cultural resources. Conformance with conditions contained in this GP does not necessarily guarantee authorization under this permit. In cases where the respective District Engineer considers it necessary, an individual permit will be required. Levee construction, mechanical clearing, stream channelization or fill operations not specifically covered by this GP are prohibited unless authorized by a separate permit. Listed below are Special Conditions and/or Restrictions for installation of on-farm irrigation features of the GPADP:

Special and General Conditions

1. Applicants must be participants in the GPADP, and the Project Sponsor, White River Regional Irrigation Water Distribution District, must approve each on-farm irrigation plan.
2. No tail-water pits or dams will be constructed in receiving streams identified in the Grand Prairie Area Demonstration Project, General Reevaluation Report under this GP.
3. All losses of wetlands functions and values associated with the construction of the irrigation reservoir will be mitigated. This will be evaluated on a case-by-case basis utilizing a Pre-Construction Notification (PCN). This PCN containing the on farm summary plan outlined below will be forwarded to the Environmental Protection Agency, Fish and Wildlife Service (FWS), State Historic Preservation Officer, Arkansas Game and Fish Commission, the Arkansas Department on Environmental Quality, Arkansas Natural Resources Commission, and the Department of Arkansas Heritage for their input on the project including mitigation. This notification will give the agencies five work days from the date the material is transmitted to notify district personnel using telephone, fax, or email saying that they intend to provide substantial, site-specific comments. If so contacted, the specific agency will have an additional ten working days to submit the comments. The District Engineer will then make a decision fully considering the comments received. During this comment period the FWS will be asked to review their records to evaluate the presence of threatened and endangered species and their critical habitat.

4. Agricultural land that has not been farmed five years or more and exhibits wetland characteristics will be considered abandoned and non-agricultural wetlands for the purposes of this GP.
5. Regulated wetland impacts associated with the irrigation reservoir construction cannot exceed 25% (maximum of 10 acres) of the total reservoir acreage: non-agricultural wetland impacts cannot exceed 10% or a maximum of three acres of the total. The non-agricultural impacts that are allowed under this GP are to accommodate the possibility of having a wetland fringe around a drain/ditch that the reservoir would have difficulty avoiding. The non-agricultural wetlands covered by the GP are limited to areas that are surrounded by agricultural cropland. The reservoir is not allowed to penetrate into wooded wetlands under this GP. Impacts to moderate and high value wetlands determined by the Corps will not be allowed under this GP (i.e. mature cypress/tupelo gum swamps, old growth bottomland hardwood forest, etc).
6. The irrigation reservoirs will be designed to provide environmental benefits such as fish and shorebirds habitat. These designs will be reviewed by the agencies in Special Condition Number 3 above to ensure that the stated purpose is achieved.
7. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities will be seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.
8. Material used for fill (e.g. levees) shall be nonpolluting. It may be obtained from the project site, or offsite from an upland (non-wetland) area.
9. All excess material not used in construction shall be placed in an upland or non-jurisdictional disposal area.
10. No activity, which may adversely impact a site listed in or eligible for listing in the National Register of Historic Places, shall be allowed by the GP. Additional material shall not be taken from a known historical or archeological site such as an Indian mound. If unknown cultural resources are uncovered during construction, the permittee must notify the District Engineer and stop work immediately.
11. The discharge shall not occur in a component or a proposed component of the National Wild and Scenic River System or in a component of a state Scenic River System or Special Category Waters without the appropriate Federal or state authorization.
12. All construction activities shall be performed during dry conditions and in a manner that will minimize adverse effects on water quality and aquatic life. Prior to the beginning of any construction activities, appropriate erosion control measures, such as silt fences, silt barriers or other suitable devices shall be placed between the construction area and affected waterways (including wetlands) and maintained in a functioning capacity until the area is permanently stabilized upon project completion.
13. The discharge shall not adversely affect a public water supply intake. Any project, which is deemed by the appropriate District Engineer to have the potential to affect water quality at a public water supply intake, must obtain approval from the Department of Health of the appropriate state.
14. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for recreation involving physical contact with the water. No sewage, oil, refuse, or other pollutants will be discharged into the watercourse.
15. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat as identified under the Endangered Species Act.
16. The local county administration must be contacted to determine the need for construction permits (i.e. FEMA).
17. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with permit condition number 19 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without authorization from this office, restoration of the area may be required.

18. If you sell the property associated with the authorization under this GP, you must contact this office so that the authorization can be transferred to the new owner.
19. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP.
20. This permit does not grant any property rights or exclusive privileges, nor does it authorize any injury to the property rights of others.
21. This permit does not authorize interference with any existing or proposed Federal projects.
22. Mitigation sites will be declared as wetland mitigation through the NRCS and recorded as wetland mitigation on the farm bill compliance maps at the local NRCS office.
23. Reliance on Applicant's Data: The determination of this office that the issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
24. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:
 - a. Failure to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit request proves to have been false, incomplete, or inaccurate.
25. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
26. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification suspension, or revocation of this permit.
27. If an applicant would prefer to mitigate on-site or at another location other than the approved mitigation site mentioned below, the on-farm environmental review team must approve the alternative mitigation site. This mitigation site will be clearly marked with standard signs delineating the permanent easement boundary. A permanent easement on the mitigation site shall be recorded within 45 days in the county courthouse or with another appropriate official charged with the responsibility of maintaining records of the title to and interest in real property. A certified copy of the recording shall be furnished within 30 days of recording. Failure to submit this certified copy may result in your permit being revoked or other enforcement action being implemented.

MITIGATION

On-farm irrigation systems, the import system (White River pump station), and main delivery system are all components of the GPADP, and impacts incurred from construction of these components will be mitigated together as part of the total project. The wetland impacts and subsequent compensatory mitigation associated with the on-farm irrigation systems will be

determined as they are completed. The Project Sponsor will acquire mitigation land in large, manageable tracts unless the environmental review team recommends alternative mitigation.

The on-farm environmental review team and the Project Sponsor will provide assistance and recommendations on suitable wetland mitigation sites, wetland mitigation reforestation options, and acceptable mitigation ratios. The following organizations will be invited to have representatives participate on the environmental review team: Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Arkansas Department of Environmental Quality, Arkansas Game and Fish Commission, Arkansas Natural Resources Commission, Arkansas Natural Heritage Commission, the NRCS, and the Project Sponsor. Mitigation site selection criteria will include land classifications (such as prior-converted farmland and farmed wetland), soils, hydrology, proximity to other resources, tract size, and "willing sellers." Top priority will be given to those tracts that meet criteria selected by the environmental review team and adjoin an existing state wildlife management area, a federal refuge, and/or similar land unit. Additional information about mitigation requirements associated with the GPADP can be obtained from Volume 9, Appendix C, Section II, of the general reevaluation report; this report can be accessed through the Memphis District web site at <http://www.mvm.usace.army.mil/grandprairie/default.asp>

General Information

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

GPs may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the GP will result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of a GP will be made using information which will be available for inspection at the Memphis District's Regulatory Branch at 167 North Main, Rm. B-202, Memphis, TN 38103-1894.

Authorization to conduct work under this GP will not negate the responsibility of the applicant to obtain other state or local authorizations or permits required by law for the proposed activity. Authorization also will not convey any property rights, whether in real estate or material, or any exclusive privileges. Furthermore, no injury to property or invasion of rights or any infringement of Federal, state, or local laws or regulations is authorized.

REQUEST FOR AUTHORIZATION UNDER THE GP: IN ORDER TO BE AUTHORIZED BY THIS GP, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT THE FOLLOWING INFORMATION IN WRITING AT LEAST 60 DAYS PRIOR TO CONDUCTING THE WORK. IN THE MEMPHIS DISTRICT PLEASE SEND THE REQUEST TO MR. LARRY WATSON, MEMPHIS DISTRICT REGULATORY BRANCH, 167 NORTH MAIN, RM. B-202, MEMPHIS, TN 38103-1894, IN THE VICKSBURG DISTRICT PLEASE SEND THE REQUEST TO MR. MIKE MCNAIR, VICKSBURG DISTRICT REGULATORY BRANCH, 4155 CLAY STREET, VICKSBURG, MS 39183-3435

- a. A letter from the owner and leaser/renter (if different than owner) that includes the following:
 1. A statement requesting a Department of the Army Permit: Grand Prairie General Permit.
 2. A statement "That the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties".
 3. The name, address, telephone number, and signature of the property owner and leaser/renter (if different than owner).
 4. Attach summary of on-farm irrigation plan.
 5. Attach documentation that the on-farm irrigation plan has been reviewed by the State Historic Preservation Officer (SHPO) along with the result of that consultation.

6. Attached documentation that the local county Administration has been contacted and the project is in compliance with the FEMA Flood Insurance Program Regulations.
7. A letter signed by the appropriate representative of the NRCS and the Project Sponsor must be provided stating that the project for which a Corps permit is requested, has been approved under and complies with the GPADP.

The summary of the on-farm irrigation plan shall include sufficient detail about the project impacts including wetlands (e.g. pipelines, irrigation ditches, tail-water recovery systems, pumping plants, water control structures, grade stabilization structures, access roads, and associated structures).

- b. As part of the on-farm irrigation plan summary, a location map (preferably from a USGS quadrangle map) showing the proposed work site (including section, township, range, longitude and latitude or UTM zone coordinates and county). The map should also show existing impoundments (GTR's, lakes, irrigation reservoirs, etc.), and the location of any borrow areas if different than the irrigation reservoir location.
- c. As part of the on-farm irrigation plan summary, a section entitled "Proposed Mitigation" must address the following: Regulated activities in waters of the U.S. including wetlands, a recommended mitigation ratio from the NRCS to replace the lost functions and values as a result of the regulated project and the location of the mitigation site (preferably on a quadrangle map).
- d. As part of the on-farm irrigation plan summary, the estimated starting and completion dates of the construction.
- e. As part of the on-farm irrigation plan summary, a section entitled "Alternative Analysis" must address the following three topics to demonstrate that wetlands have been avoided to the maximum extent practicable:
 1. No Action Alternative (What options are available if the permit were denied)?
 2. Other Project Designs (What other project designs have been considered, smaller, larger, different, etc., that could be utilized which would reduce impacts to waters of the U.S. including wetlands)?
 3. Other sites available to the applicant (What other sites are available to the applicant that would satisfy the need for an irrigation reservoir and not impact waters of the U.S. including wetlands? Why can these sites not be used)?

After reviewing the information submitted, the District Engineer will advise the inquiring party in writing whether the work is authorized under this GP; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.