



**US Army Corps  
of Engineers** ®  
Memphis District

**ISSUE DATE: 04 June 2019**

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**PUBLIC NOTICE**

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**EXPIRATION DATE: 05 July 2019**

**AVAILABILITY OF DRAFT 404 (b)1 Evaluation**

**REPLY TO:**

**ATTN: Kevin Pigott**

**Environmental Compliance Branch**

**U.S. ARMY CORPS OF ENGINEERS**

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**TITLE:** Below Kennett/DD 48 Seepage Remediation, St. Francis River Basin, Dunklin County, Missouri.

**AUTHORITY:** The proposed action is authorized as part of the Flood Control Act (FCA) of 15 May 1928 as amended by the Acts of 15 June 1936, 18 August 1941, 24 July 1946, 27 October 1965, and 13 August 1968. These Acts provided for the construction, enlargement, and strengthening of the levees of the St. Francis Basin Project to safely pass the floodwaters of the St. Francis River and its tributaries. Local cooperation requirements were modified by the FCA of 24 July 1946 and limited local responsibility to ordinary maintenance as defined by Section 3 of the FCA of 1928. The project site is covered by the 1964 U.S. Army Corps of Engineers (USACE) General Design Memorandum 104.

**LOCATION:** The proposed seepage control project is located in Dunklin County, Missouri, in the Missouri Bootheel. The proposed project is approximately 8 miles long, essentially from Missouri Highway 438 south along the existing East Bank St. Francis Levee System to just south of Missouri Highway 513 (levee baseline stations 19/18+00 and 28/00+00) (Figure 1). The study area is directly west of Kennett, Missouri, and runs

south towards the Varney River confluence with the St. Francis River. Borrow would be obtained from previously cleared fields within the project vicinity or from contractor furnished borrow locations. If contractor furnished borrow is utilized for the project, all appropriate environmental compliance standards (*i.e.*, cultural surveys, endangered species clearances, water quality compliance, wetland jurisdictional surveys, and/or mitigation) would be met.

**TO WHOM IT MAY CONCERN:** Pursuant to the National Environmental Policy Act of 1969 as amended, the U.S. Army Corps of Engineers (USACE), Memphis District, is issuing this notice to provide for public review of the Section 404(b)(1) evaluation.

**PURPOSE:** Seepage that occurs during flood conditions on the St. Francis River needs to be controlled in order to ensure that the levee system does not fail during a project flood event. Seepage could undermine the levee causing it to breach if unabated and flood the surrounding lands and residential areas. A levee breach would threaten the lives and property of residents within the flooded areas.

**DESCRIPTION OF WORK:** The proposed project involves implementing seepage control measures along the St. Francis Levee in Dunklin County, Missouri, via a 150-foot wide continuous, semi-pervious landside berm to be constructed at the toe of the existing levee, except in several locations where wider berms (up to 300 feet wide) are required to reduce seepage issues (Table 1). Other project features include modifying existing ditches and re-grading 254 acres of adjacent agricultural lands to re-route flow away from the levee toe (Figures 2 and 3). Access to the project areas would be State/County roads and levee roads. Approximately 800,000 cubic yards of material will be required to construct the landside berms. Approximately 900 tons of R-200 riprap would be needed for the estimated 24 culverts, weirs, and reinforced pipe locations in order to complete the project. Since the riprap is to be placed in locations where culverts are to be replaced or constructed, no filter material would be used.

Approximately 27 acres of wetlands would be impacted by berm construction. At a minimum, a 3:1 ratio (81 acres) will be used to offset impacts. Prior converted, non-wet agricultural land would be restored to bottomland hardwoods or a comparable forested wetland. Target areas for concurrent mitigation would focus on agricultural lands adjacent or near to existing conservation areas within the St. Francis Basin. Prior to any lands purchased for mitigation, approval by an interagency team composed of members from Missouri and federal resource agencies would be reached. A mitigation plan would be developed by the interagency team for the approved mitigation tract(s).

**WATER QUALITY CERTIFICATION:** Impacts to water quality within the St. Francis River would be minimal or have no effect, as the river normally carries a heavy sediment load. Thus, no significant impacts to water quality would occur as a result of

the proposed project. The final design is being coordinated with the Missouri Department of Natural Resources, Water Pollution Control Program

**ENDANGERED SPECIES:** In the summer of 2018, the proposed project area was surveyed using mist nets in accordance with the U.S. Fish and Wildlife Service (USFWS) 2018 Range-Wide Indiana Bat Summer Survey Guidelines. Additionally, no evidence of bald eagles, or their nests, were observed at any project location. No federally threatened or endangered aquatic organisms, including freshwater mussels are known to exist within the proposed project footprint. Therefore, USACE has determined that the proposed project would have no effect on any threatened or endangered species or their critical habitats. The USFWS concurred with the no effect determination regarding federally listed threatened or endangered species on November 30, 2018.

**CULTURAL RESOURCES:** A literature review and cultural resources survey within the Project's Area-of-Potential-Effect (APE) was surveyed in the summer of 2019. No significant cultural resources were identified within the Below Kennett APE. Therefore, no additional cultural resources investigations are recommended at the project location prior to implementation. However, as the borrow source for the project has not yet been identified, additional cultural resources surveys will be conducted upon borrow acquisition in accordance with Section 106 of the National Historic Preservation Act. Additionally, should inadvertent discovery be made during construction, the resource would be evaluated, assessed for effects, avoided if possible, and mitigated in accordance with Federal statutes and regulations (36 CFR, Part 800).

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest. An Environmental Assessment for this project and two projects of a similar nature are being prepared and will be submitted for public comment. This 404(b)(1) evaluation is being conducted because the quantities to be used are not appropriate for permits under the Nationwide permit program. This notice is being circulated to federal, Native American tribes, state and local agencies, and to the public.

**The draft 404(b)(1) evaluation will be circulated to agencies and any other parties that respond to this notice requesting copies. A copy of this document has been placed on the District's website's Memphis District Civil Works Projects at:**

**<http://www.mvm.usace.army.mil/About/Offices/Regulatory/Public-Notices/>**

**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 proposed project. Requests for a public hearing shall clearly state the reason for holding a public hearing.

The District Engineer will determine if the issues raised are substantial and whether a hearing is needed in order to reach a decision on the project. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on this proposal, please contact Kevin Pigott at the U.S. Army Corps of Engineers, Environmental Compliance Branch (RPEDS-PDC-UDC), 167 North Main Street RM B-202, Memphis, Tennessee 38103-1894, telephone 901-544-4309. **Comments should be forwarded to this office by 05 July 2019.**

Sincerely,



Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

Enclosures

Table 1. Approximate Berm Widths for the proposed Below Kennett/DD48 Seepage Project\*.

Start Sta.	End Sta.	~ Length (ft)	Berm Width (ft)
20/26+50	20/31+50	500	300
21/28+50	21/33+50	500	195
22/10+50	22/15+50	500	300
22/55+50	23/00+50	493	200
23/25+50	23/30+50	500	300
23/30+50	23/35+50	500	180
23/35+50	23/40+50	500	260
24/7+50	24/12+50	500	165
24/12+50	24/17+50	500	195
24/42+50	24/47+50	500	300
25/24+50	25/29+50	500	245
25/29+50	25/34+50	500	300
26/36+50	26/41+50	500	300

\* All other locations will have a 150-foot wide berm constructed.

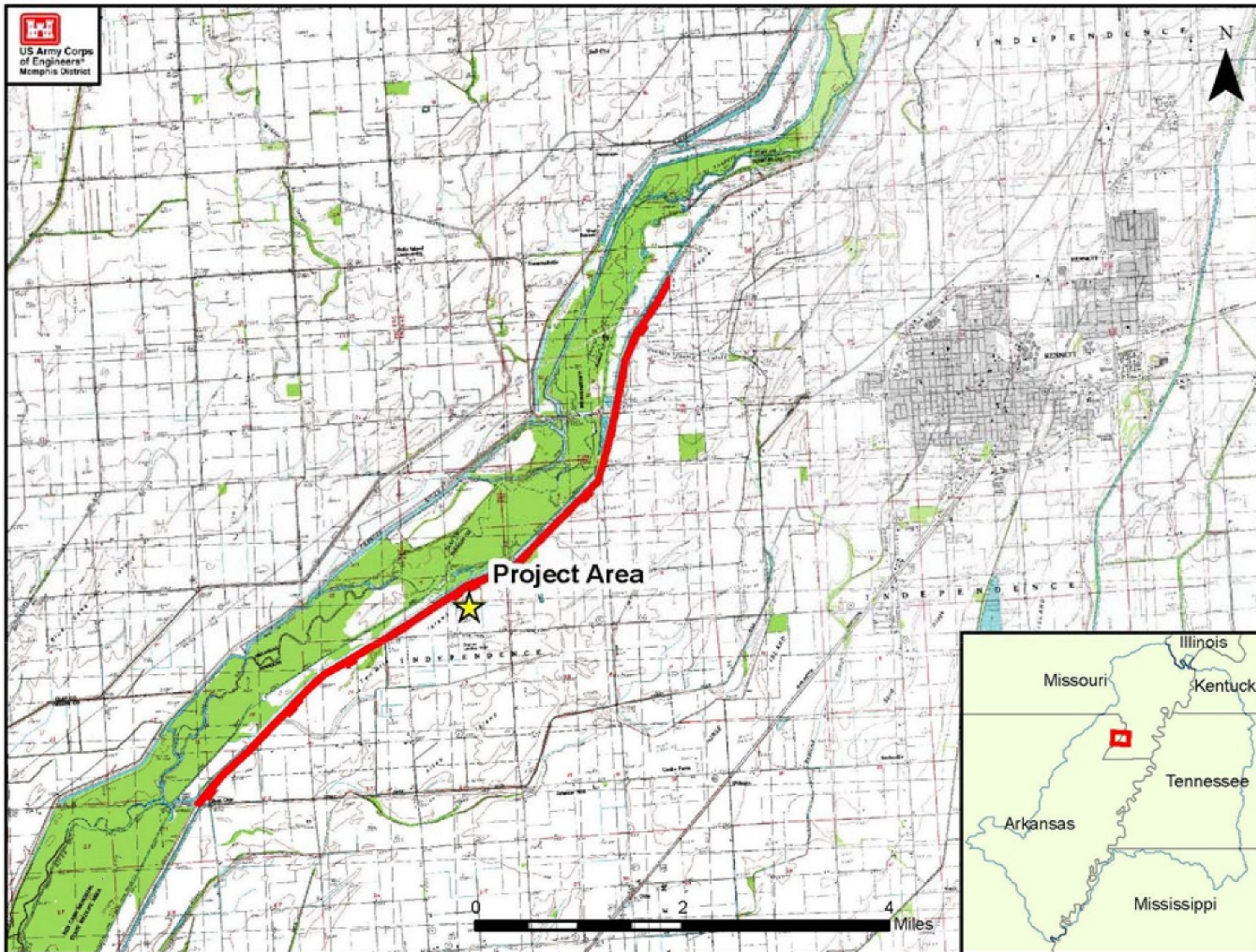


Figure 1. Location of Proposed Below Kennett/DD 48 Seepage Remediation Project, Dunklin County, Missouri.



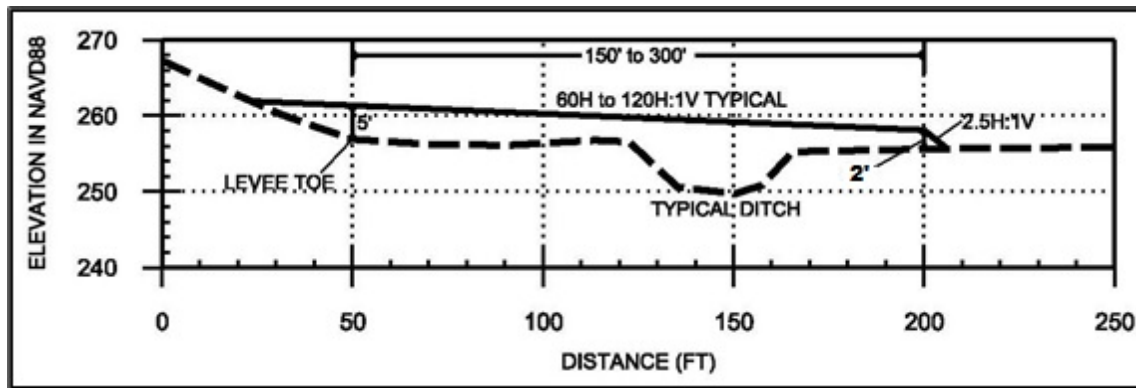


Figure 2. Typical proposed landside berm for the Proposed Below Kennett/DD 48 Seepage Remediation Project, Dunklin County, MO.

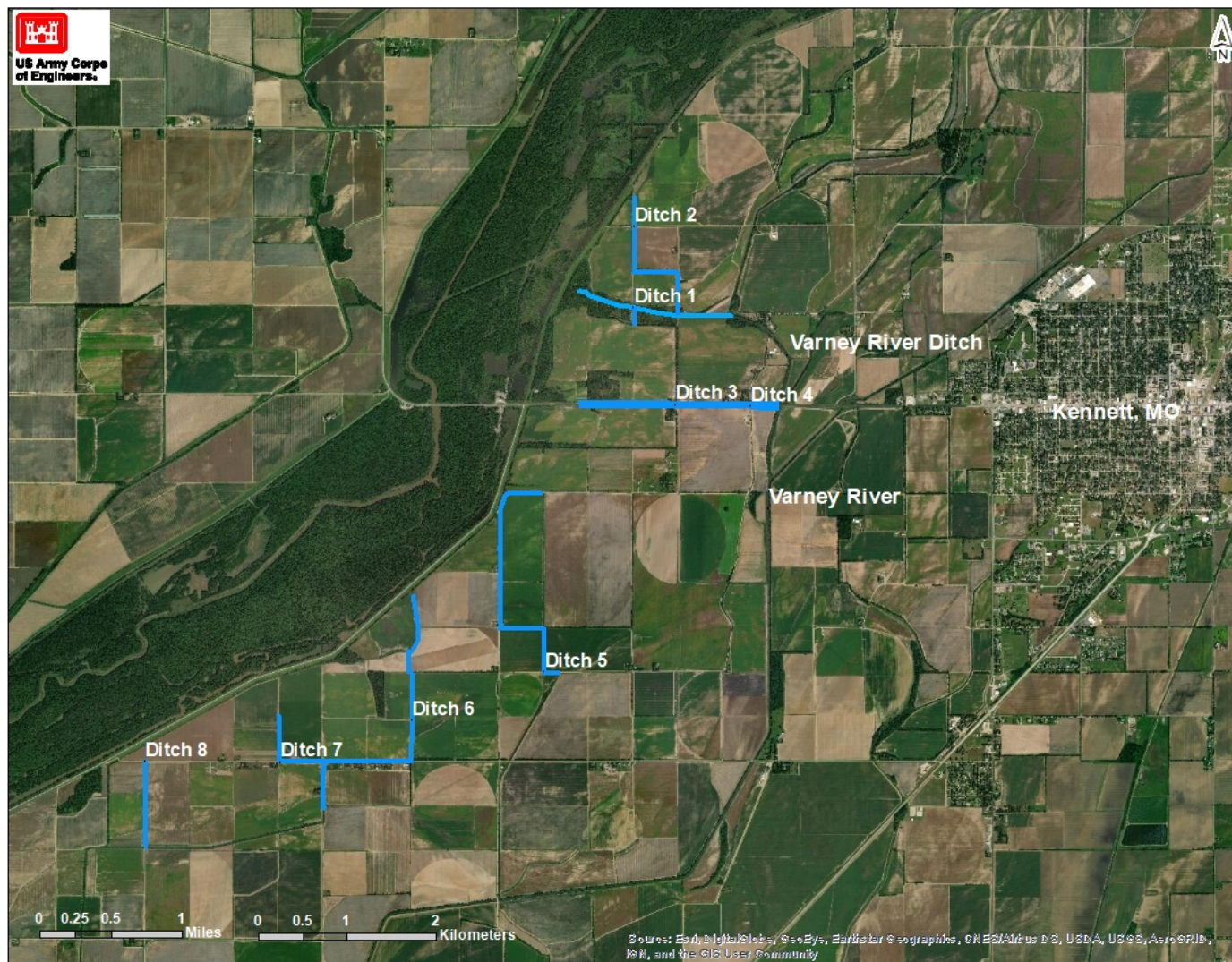


Figure 3. Proposed ditch work for the Proposed Below Kennett/DD 48 Seepage Remediation Project, Dunklin County, MO.