

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2023-265 (RDM)

NOTICE DATE:
November 8, 2023

EXPIRATION
DATE:
Attn: Postmaster,
Please Post Until **December 7, 2023**

Public Notice

U.S. Army Corps of Engineers

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:

Mike Brown
Ashridge Inc.
1418 Spring Grove Road
Bonneau, SC 29431
843-200-9595

AGENT:

Bill Bailey
Wetland Consultants Unlimited
2551 Hutcheson Road
Benton, AR 72019
501-626-5004

PURPOSE: As stated by the applicant the purpose of this project is to provide flooded timber for recreational duck hunting during duck season.

LOCATION: The project site is located in Section 25, Township 10N, Range 1W, in Jackson County, Arkansas, as shown on the attached map (Figures 1-3).

DESCRIPTION OF WORK: The project includes the construction of a 1,284 linear feet earthen levee and the installation of a 30-inch pipe culvert with a water control structure as shown on the attached Map (Figure 4). The earthen levee will be 3 feet high, 3 feet wide at the top, and have a base width of 18 feet resulting in 0.53-acre of fill discharged into wetlands. Fill will be acquired by clearing and excavating in a borrow area adjacent to the levee. A strip 10 linear feet in width will be cleared on each side of the levee resulting in a total of 0.59-acre cleared acres. The total width of impact is 38 feet as shown on the attached drawing. As proposed, the project will impact a total 1.12-acre of forested wetlands. (Figures 5-8)

AVOIDANCE/MINIMIZATION: The applicant has proposed minimal clear zones on either side of the levees to allow for the construction. Side slopes were increased to reduce the footprint size, pipe culverts with water control structures are proposed to establish connectivity, and best management practices will be in place to reduce runoff and erosion during/after construction. To off-set the impacts to 1.12-acre of bottom land hardwood wetlands, 3-acres of farmland will be restored back to bottomland hardwoods.

MITIGATION: The applicant proposes to mitigate impacts with the restoration of 3-acres of bottomland hardwoods in Section 25, Township 10N, Range 2W, in Jackson County, Arkansas, as shown on the attached map (Figures 1-3). The mitigation credit calculations are based on the 2002 Charleston Method as amended by the Little Rock District Corps of Engineers. The proposed mitigation area is currently managed as a rice field and is adjacent to the proposed impacts and abutting a 9-acre mitigation site associated with permit MVM-2022-229 (Figure 7).

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency (Arkansas Department of Environmental Quality). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: This project is located within the known ranges of the Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern Black Rail (*Laterallus jamaicensis jamaicensis*), Red Knot (*Calidris canutus rufa*), Piping Plover (*Charadrius melodus*), Alligator Snapping Turtle (*Macrochelys temminckii*), Monarch Butterfly (*Danaus plexippus*) and Pondberry (*Lindera melissifolia*). This notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS). Any comments USFWS 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: In compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, the Memphis District will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

FLOODPLAIN: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed public notice and notify this office of any floodplain 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. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps of Engineers project. We are not a proponent nor are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District. Comments may be sent via mail or email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Damon McDermott
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: robert.d.mcdermott@usace.army.mil
phone: (901) 544-0732

The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link:

<http://permits.ops.usace.army.mil/orm-public>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the “**Pending IP**” tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments

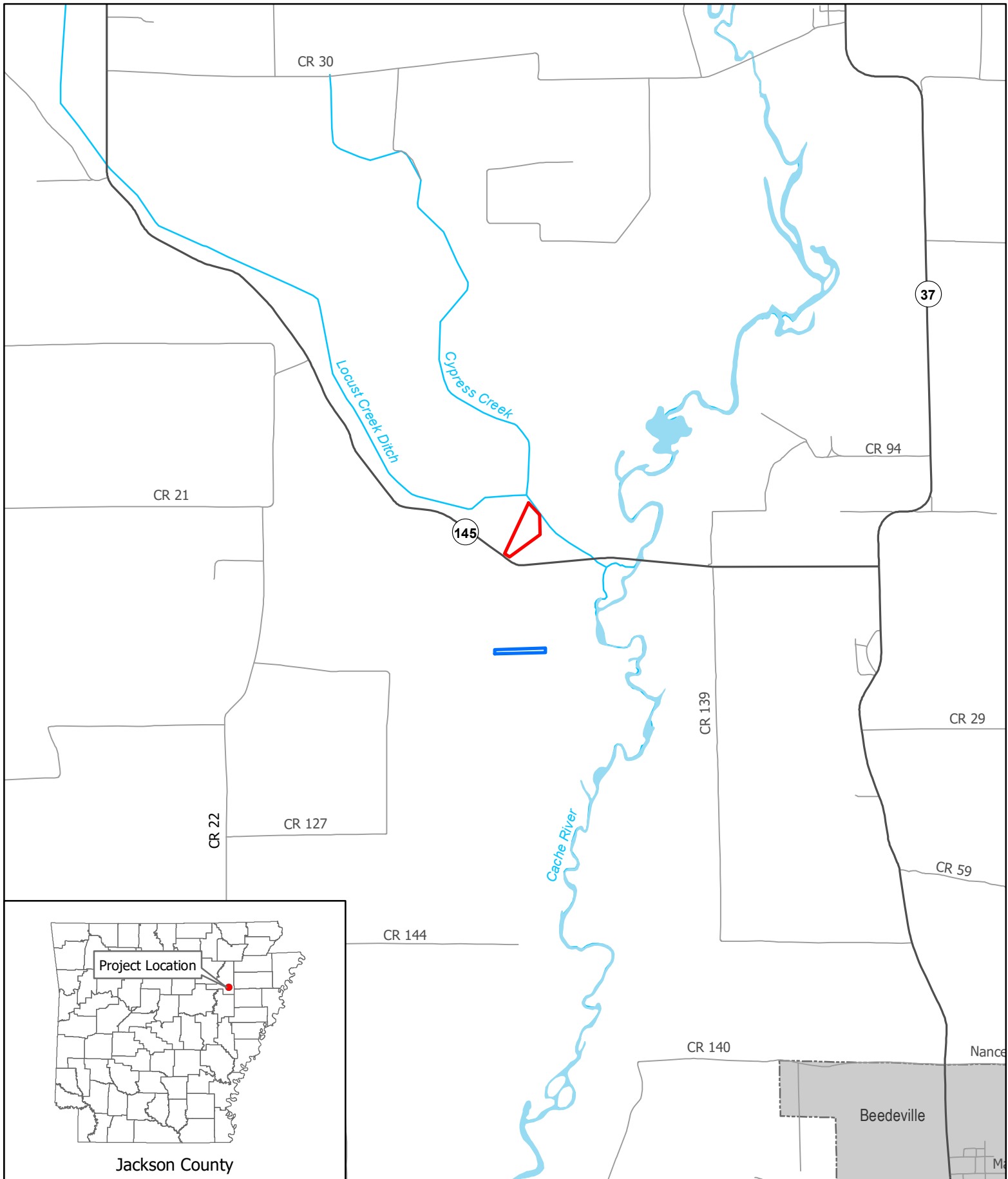
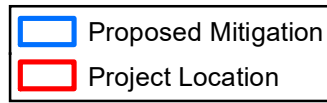


FIGURE 1
PROPOSED MITIGATION TRACT
TRIANGLE TIMBER LEVEE PROJECT



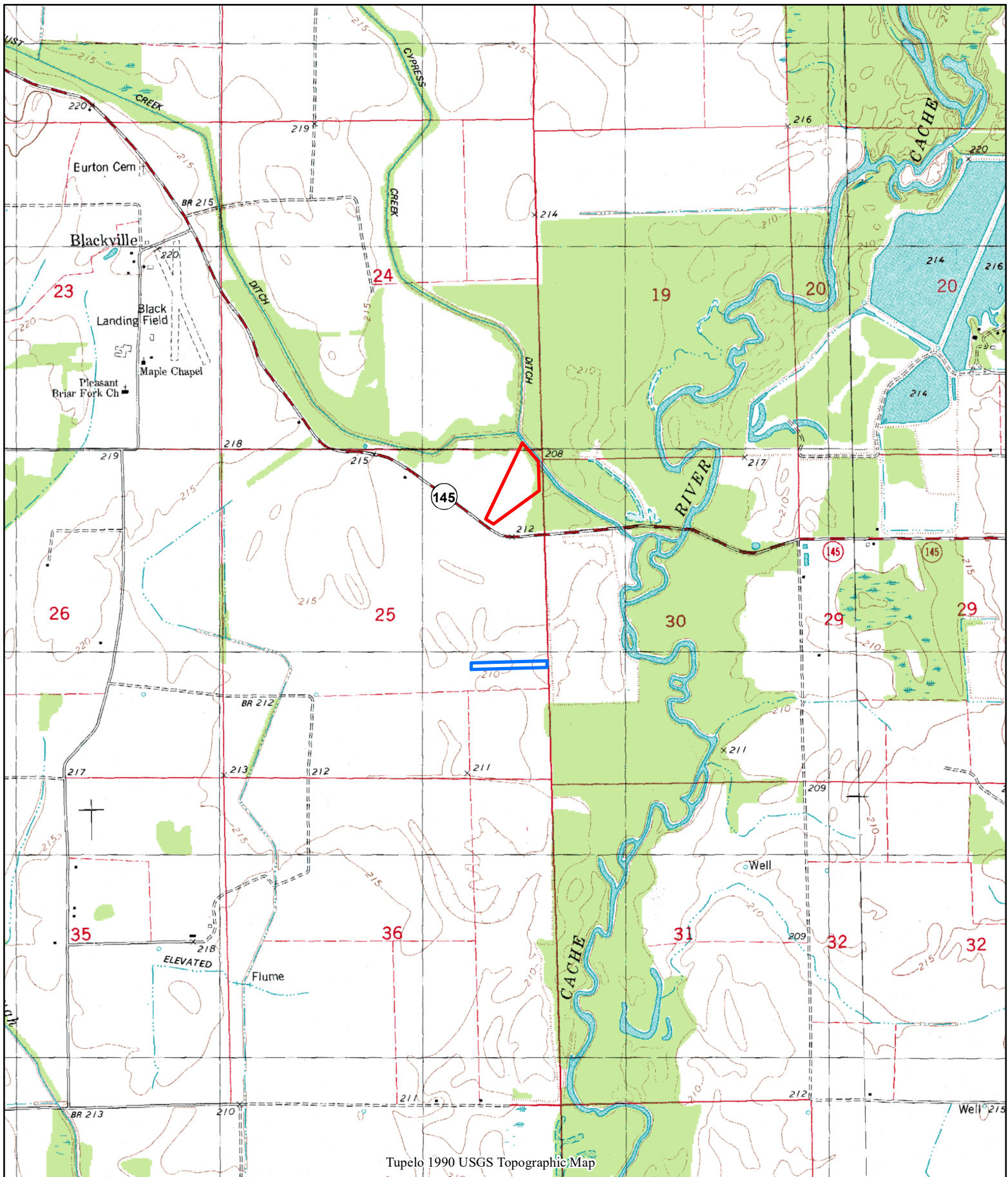


FIGURE 2
TOPOGRAPHIC MAP
TRIANGLE TIMBER LEVEE PROJECT

Scale - 1:24,000

- Project Location
- Proposed Mitigation

T10N - R2W - S25



August 25, 2023

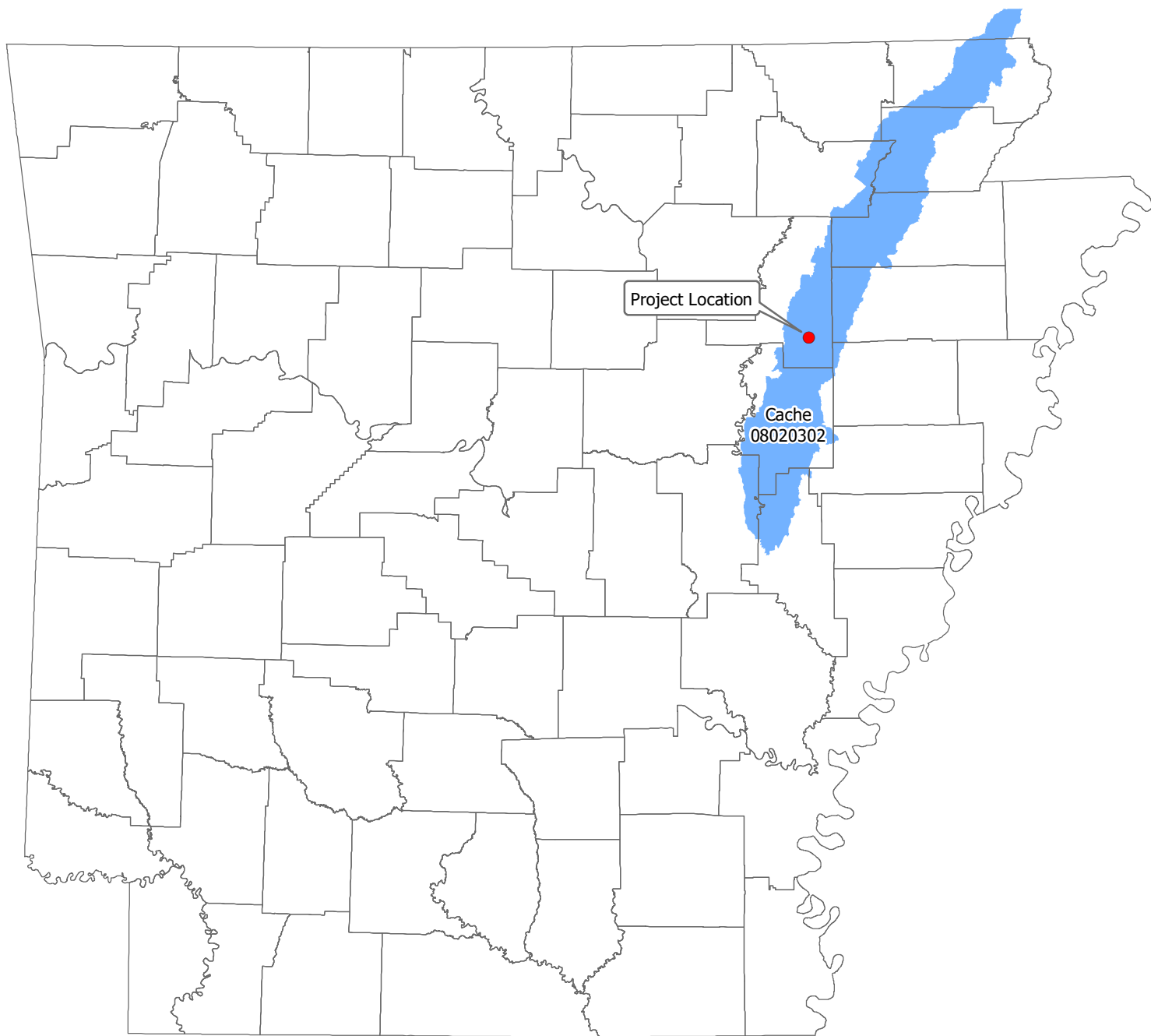


FIGURE 3
8-DIGIT HUC LOCATION MAP
TRIANGLE TIMBER LEVEE PROJECT

● Project Location



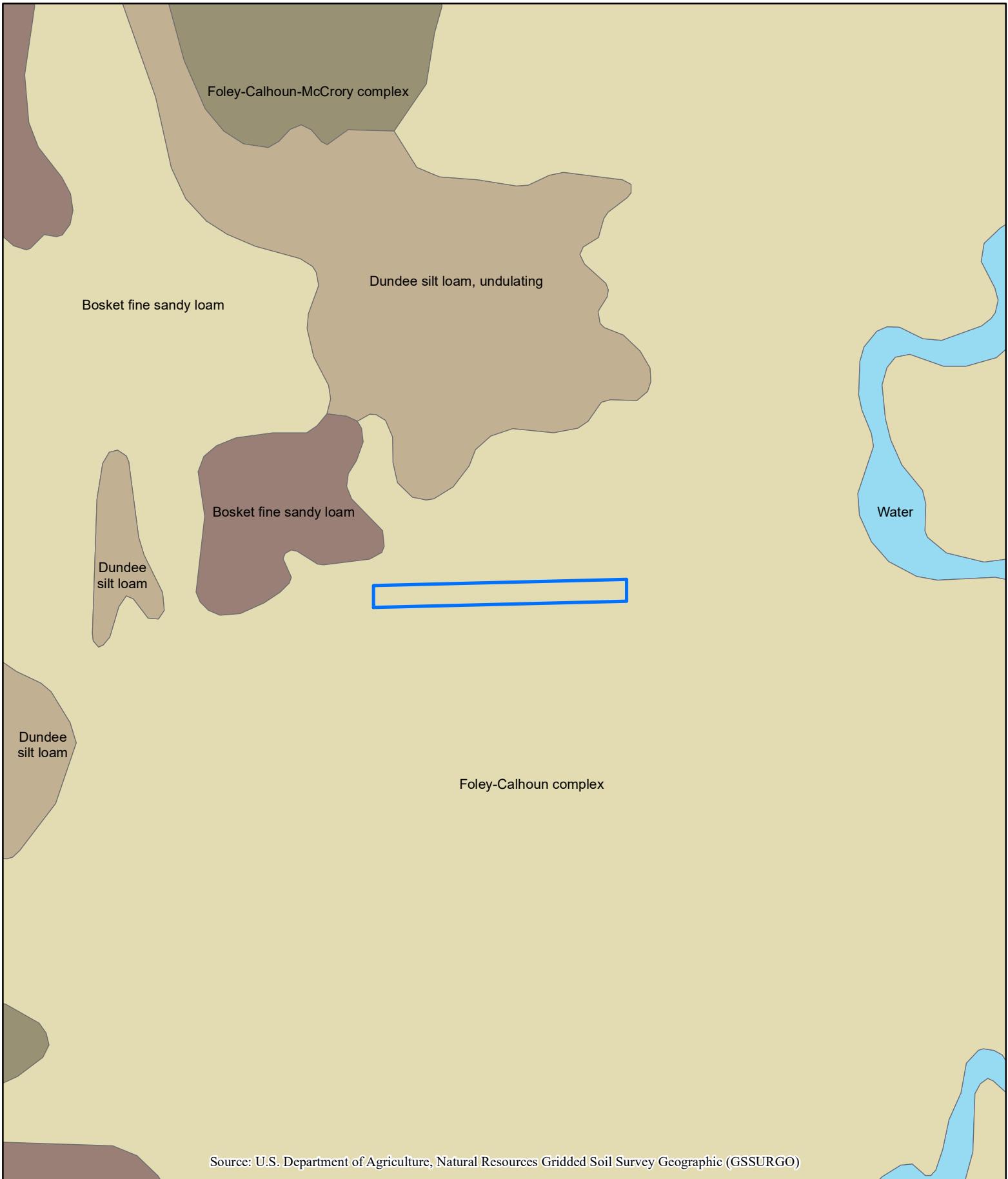
- Wetland Clearing - 0.59 acre
- Wetland Fill - 0.53 acre
- Proposed Fill (Levee) - 0.62 acre
- Proposed Clearing - 0.69 acres



FIGURE 4
PROPOSED LEVEE
TRIANGLE TIMBER LEVEE PROJECT

- Project Location
- Wetland
- Upland

Photography: ADOP 2017



Source: U.S. Department of Agriculture, Natural Resources Gridded Soil Survey Geographic (GSSURGO)

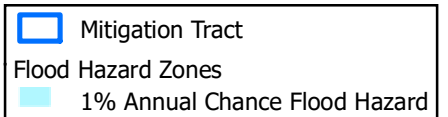


0 200 400
Feet



August 25, 2023

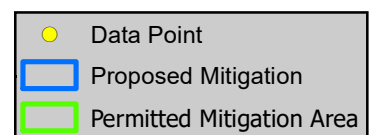
FIGURE 6
FLOODPLAIN MAP
TRIANGLE TIMBER LEVEE PROJECT





Photography: ADOP 2017

FIGURE 7
MITIGATION PLAN
TRIANGLE TIMBER LEVEE PROJECT



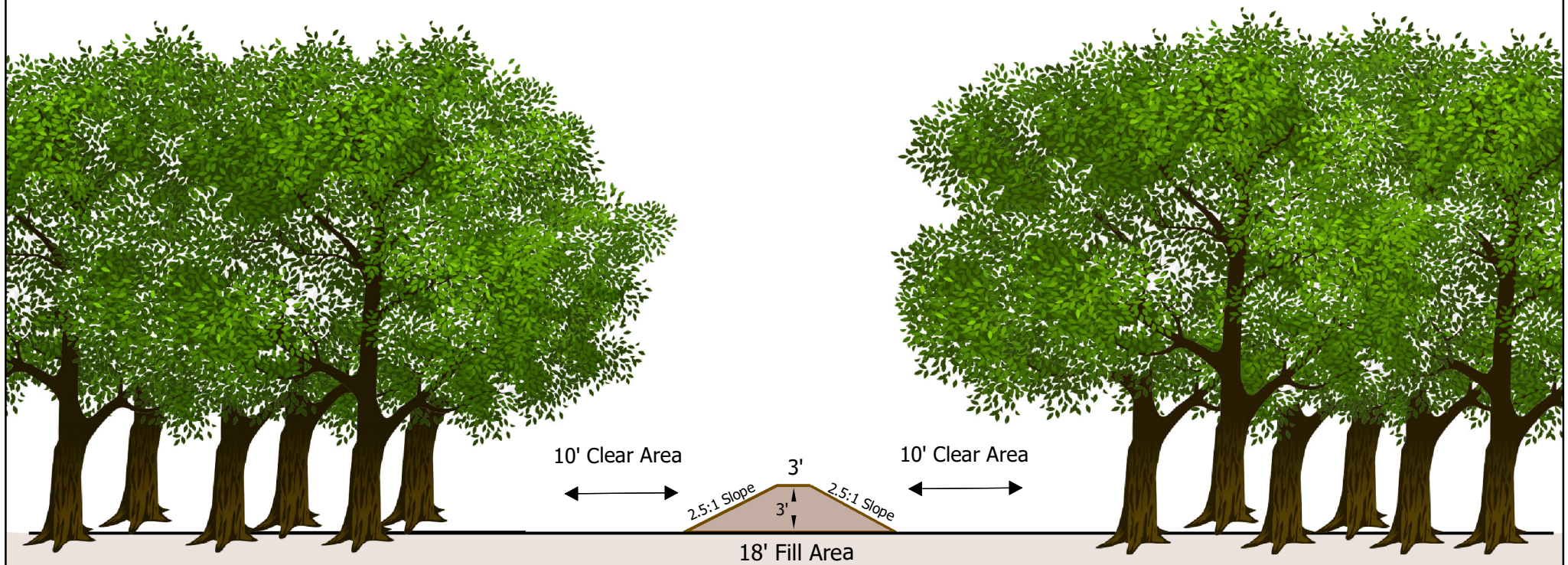


FIGURE 8
CROSS SECTION OF PROPOSED LEVEE WITHIN THE IMPACT AREA
TRIANGLE TIMBER LEVEE PROJECT