

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2022-299 (JKN)

**NOTICE DATE:
August 3, 2023**

Attn: Postmaster,
Please Post Until

**EXPIRATION DATE:
September 2, 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:

Jim Packard
Mallard Bottoms, LLC
3060 High Mountain Road
Huntsville, AL 35811
256-814-4489

AGENT:

John Metrailer
PMI
3512 South Shackleford Road
Little Rock, AR 72205
501-221-7122

PURPOSE: The project purpose is to maintain a controlled water level within forested wetlands during waterfowl hunting season.

LOCATION: The project site is located in Section 31, Township 11N, Range 1W, in Jackson County, Arkansas, as shown on the attached map (Attachment 1).

DESCRIPTION OF WORK: The project includes the construction of two earthen levees (total of 7,180 linear feet). Each levee will be constructed with two outfall structures. The earthen levee will be 2 feet high, 8 feet wide at the top, and have a base width of 20 feet resulting in 3.3 acres of fill discharged into wetlands. Borrow to construct the levees will be taken from an upland site shown on the attached map (attachment 2). As proposed, the project will impact a total 3.3-acres of forested wetlands.

AVOIDANCE/MINIMIZATION: The applicant has proposed minimal levee height of 2 feet and 3:1 side slope to minimize impacts to wetlands. The applicant will off-set the impacts to 3.3 acres of bottomland hardwood wetlands with 6.6 acres of onsite permittee responsible mitigation.

MITIGATION: The applicant proposes to mitigate impacts at a 2:1 ratio with the restoration of 6.6 acres of wetlands in Section 31, Township 11N, Range 1W, in Jackson County, Arkansas, as shown on the attached map (Attachment 1). The proposed mitigation area is currently managed as an agriculture field and is adjacent to the proposed impacts.

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. 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 range of the Indiana Bat (*Myotis sodalis*), 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 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. 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:

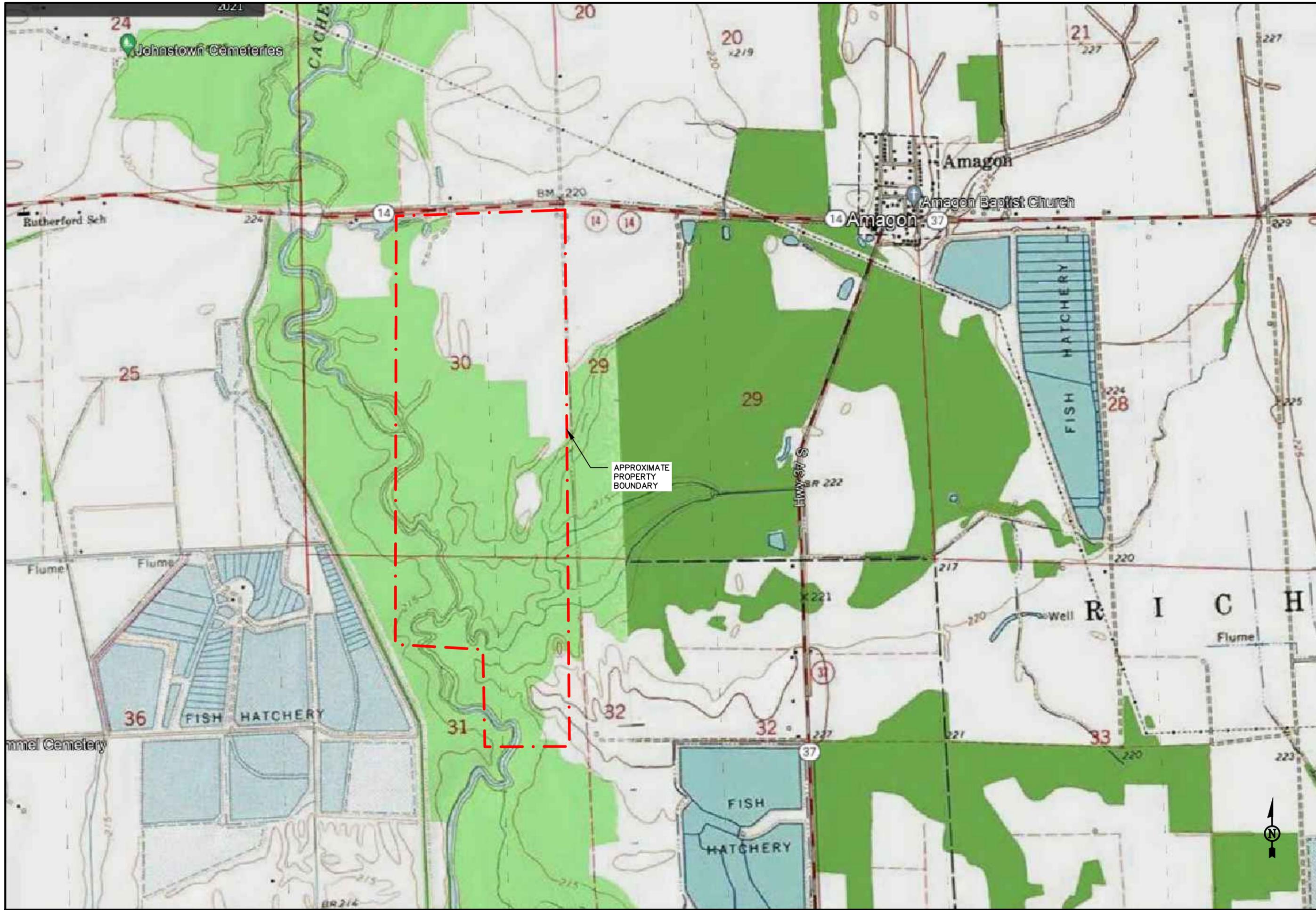
U.S. Army Corps of Engineers – Memphis District
ATTN: Joanna Neu
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joanna.k.neu@usace.army.mil
phone: (901) 544-0731

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



APPROXIMATE
PROPERTY
BOUNDARY

USDA TOPOGRAPHIC MAP

PROJECT TITLE
USACE DELINEATION & AID REQUEST
MALLARD BOTTOMS LLC
AMAGON, ARKANSAS

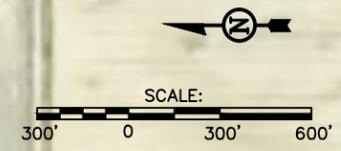
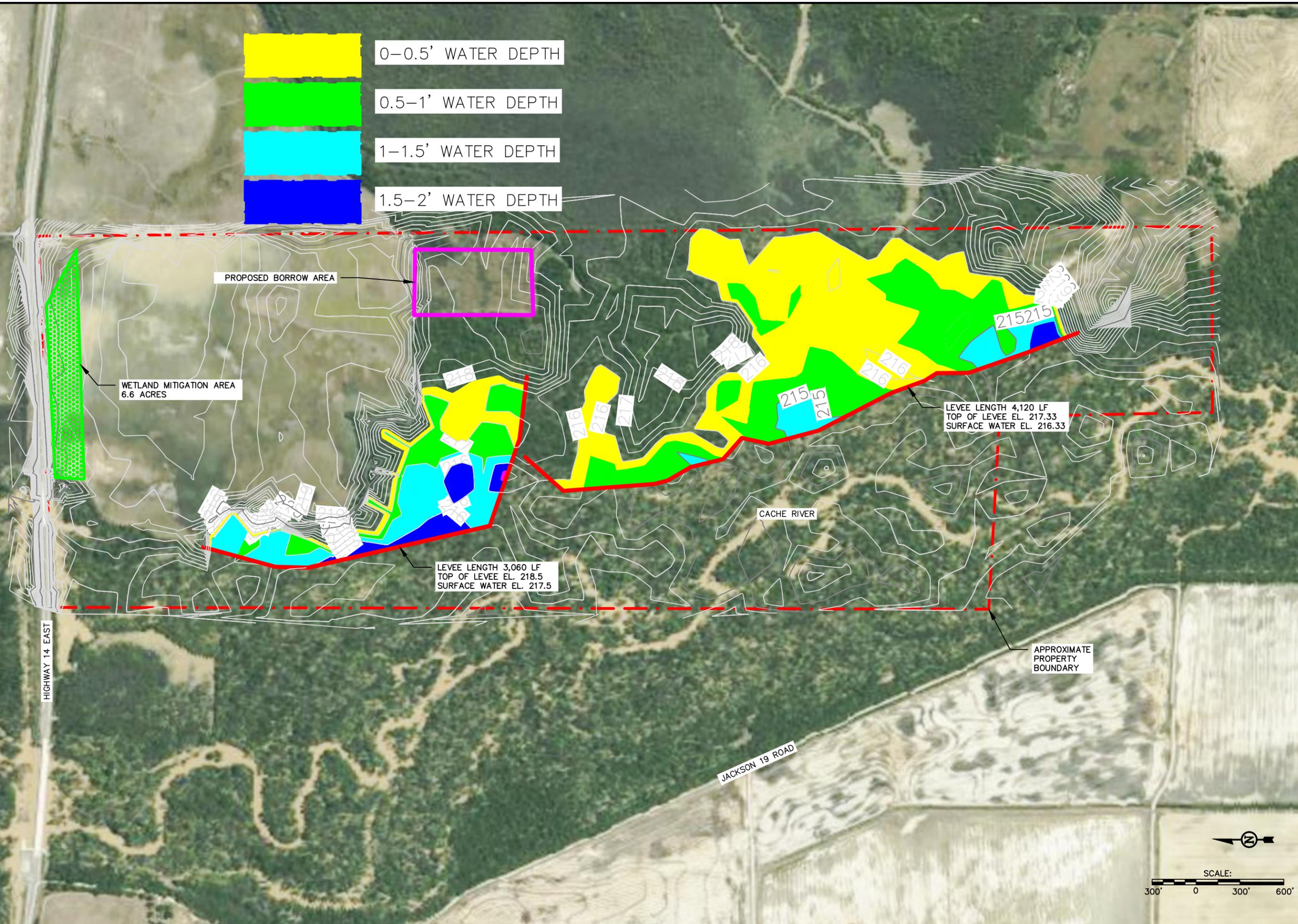
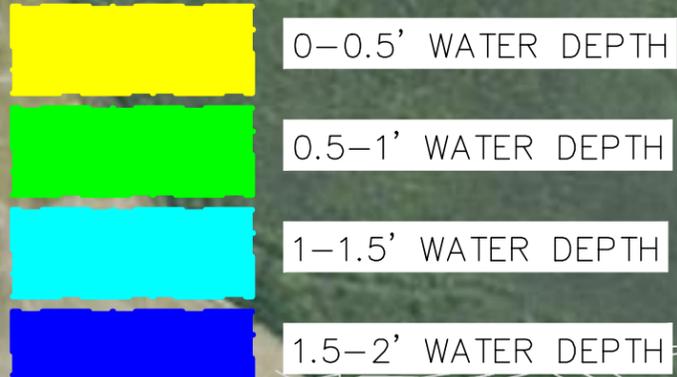
REVISIONS:

| NO. | DATE | DESCRIPTION |
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CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES
3612 SOUTH SHACKLEFORD RD
LITTLE ROCK, ARKANSAS 72205
PH: (501) 221-7122 FX: (501) 221-7775

DESIGNED BY: JTM **DATE:** OCT. 11, 2022
DRAWN BY: JTM **SCALE:** N.T.S.
CHECKED BY: JTM

JOB NUMBER: MALB-12802
SHEET NUMBER: 4



CIVIL ENGINEERING AND ENVIRONMENTAL SERVICES
3612 SOUTH SHACKLEFORD RD
LITTLE ROCK, ARKANSAS 72205
PH: (501) 221-7122 FX: (501) 221-7775

DESIGNED BY: JTM DATE: JULY 26, 2023
DRAWN BY: JTM SCALE: 1" = 300'
CHECKED BY: JTM

FILE: N:\PWLEDCAT\USERDATA\M-Z\MALLARD BOTTOMS, LLC\MALB-12802 USACE DELINEATION & LEVEE DESIGN\DRAWINGS\MALB-12802 USACE DELINEATION & LEVEE

OPTION ONE LEVEE DESIGN

LEVEE DESIGN AND WATER DEPTHS
MALLARD BOTTOMS LLC
AMAGON, ARKANSAS

REVISIONS:

| NO. | DATE | DESCRIPTION | BY: |
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JOB NUMBER:
MALB-12802

SHEET NUMBER:
C1.1B