Joint Public Notice

U.S. Army Corps of Engineers
and
State of Arkansas

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: Joey Massey
33 Greene Road 747
Paragould, AR 72450
(870) 573-6712

PURPOSE: According to the applicant, the proposed project is part of a land leveling proposal to increase irrigation and farm efficiency at the project site.

LOCATION: The project site is located in Section 8, Township 16N, Range 3E, in Greene County, Arkansas, at approximate latitude 36.03749°N and longitude -90.79528°W on the Walnut Ridge SE 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The Corps of Engineers issued a permit for the relocation of 1,420 linear feet of an existing unnamed tributary in August of 2016. This work has not been complete. The applicant is now proposing to relocate 1,730 linear feet of the existing unnamed tributary to the north around the property boundary (Attachment 2). A new 2,820 linear foot channel would be created to replace the existing tributary.

AVOIDANCE/MINIMIZATION: According to the applicant, avoiding the existing tributary would not allow him to meet his purpose of increasing irrigation and farm efficiency.

MITIGATION: The applicant proposes to mitigate impacts to approximately 1,730 linear feet of an unnamed tributary by creating a new 2,820 linear foot channel. The existing tributary does not have a buffer on either side. The applicant has proposed to install 30-foot herbaceous buffers along both sides of the new ditch (Attachment 2).

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality 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 the 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: Our determination is that there would be no endangered species or critical habitat
affected by this proposal. However, this notice is being coordinated with the 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: Our preliminary determination is that no known historic properties will be
affected by the proposed project. However, 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 require a survey of the project area.

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 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 project. We are not a proponent or 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 and Arkansas Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

**U.S. Army Corps of Engineers District - Memphis**
ATTN: Josh Bright
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joshua.k.bright@usace.army.mil
phone: (901) 544-0926
fax: (901) 544-0211

**State Permits Branch, Water Division**
Arkansas Department of Environmental Quality
ATTN: Lazendra Hairston
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: hairstonl@adeq.state.ar.us

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://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP](http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP). 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 Branch office for examination.

Gregg Williams
Chief
Regulatory Branch

Attachments