

US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM-2015-316 (JFB)

NOTICE DATE:  
December 19, 2017

Attn: Postmaster,  
Please Post Until  EXPIRATION DATE:  
January 18, 2018

**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 an after-the-fact Department of the Army permit under Section 404 of the Clean Water Act.

**APPLICANT:**

Helena – West Helena / Phillips County Port Authority  
P. O. Box 407  
Helena, Arkansas 72342

**AGENT:**

John Charles Edwards  
P. O. Box 407  
Helena, Arkansas 72342

**PURPOSE:** The earthen levee was constructed to provide additional storage of dredged material from the Helena Harbor because the original disposal area constructed decades ago is nearly at full capacity.

**LOCATION:** The project is located in Section 35, Township 3S, and Range 4E in Phillips County, Arkansas, at approximate Latitude 34.39093°N and Longitude -90.64770°W on the AR – Friars Point NW 7.5 minute quadrangle map (see attached vicinity map).

**DESCRIPTION OF WORK:** The applicant constructed an earthen levee that is approximately 15 feet wide on top with 3.5H:1V side slopes on the outside and 3H:1V side slopes on the inside for a containment area that is approximately 25 acres in size. The top of the levee is constructed to an elevation of 192 feet (approximately 20 feet in height depending on actual ground elevation). Based on the slopes, the base width of the levee is approximately 145 feet. Approximately construction details are included as attachments. The levee directly abuts the mainline Mississippi River levee as shown. It is estimated that approximately 7.5 acres of farmed wetlands (FW) were impacted by the construction of the containment area. Further, it is estimated that approximately 1.6 acres of FW area were directly impacted by construction as well as 220 feet of the tributaries.

**AVOIDANCE, MINIMIZATION, & COMPENSATION:** According to the applicant, the minimum area required to provide for the disposal of dredged material was utilized. To offset impacts associated with construction, the applicant proposes to utilize farmland adjacent to the newly constructed disposal area, which is subject to flooding by the Mississippi River (see attached map).

**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:** No Threatened, Proposed for Listing, or listed Endangered Species or their critical habitat are known to exist on the site. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

**CULTURAL RESOURCES:** The Memphis District has reviewed documentation on file with the State Historic Preservation Office (SHPO) and is entering into consultation with the SHPO and federally recognized Tribes. Input received as a result of this public notice will be considered by the Memphis District when determining the next course of action.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain 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 and Arkansas Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

U.S. Army Engineer District-Memphis  
ATTN: Joe Brougher  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [joseph.f.brougher@usace.army.mil](mailto:joseph.f.brougher@usace.army.mil)  
phone: (901) 544-3472  
fax: (901) 544-0211

Lazandra Hairston  
State Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
5301 North Shore Drive  
Little Rock, Arkansas 72118-5317  
E-mail: [hairstonl@adeq.state.ar.us](mailto: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 PERMIT ACTIONS IN THE MEMPHIS DISTRICT, GO TO THE FOLLOWING LINK:** <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 W. Williams  
Chief  
Regulatory Branch

Attachments



# Site Vicinity 10/2012 (pre-construction)

Legend

📌 site vicinity

PA1111PS-Rd-422

4-18



1000 ft

# Site Vicinity 06/2016 (Post Construction)

Legend

20

site vicinity

Rd-418

Proposed-Mitigation Area

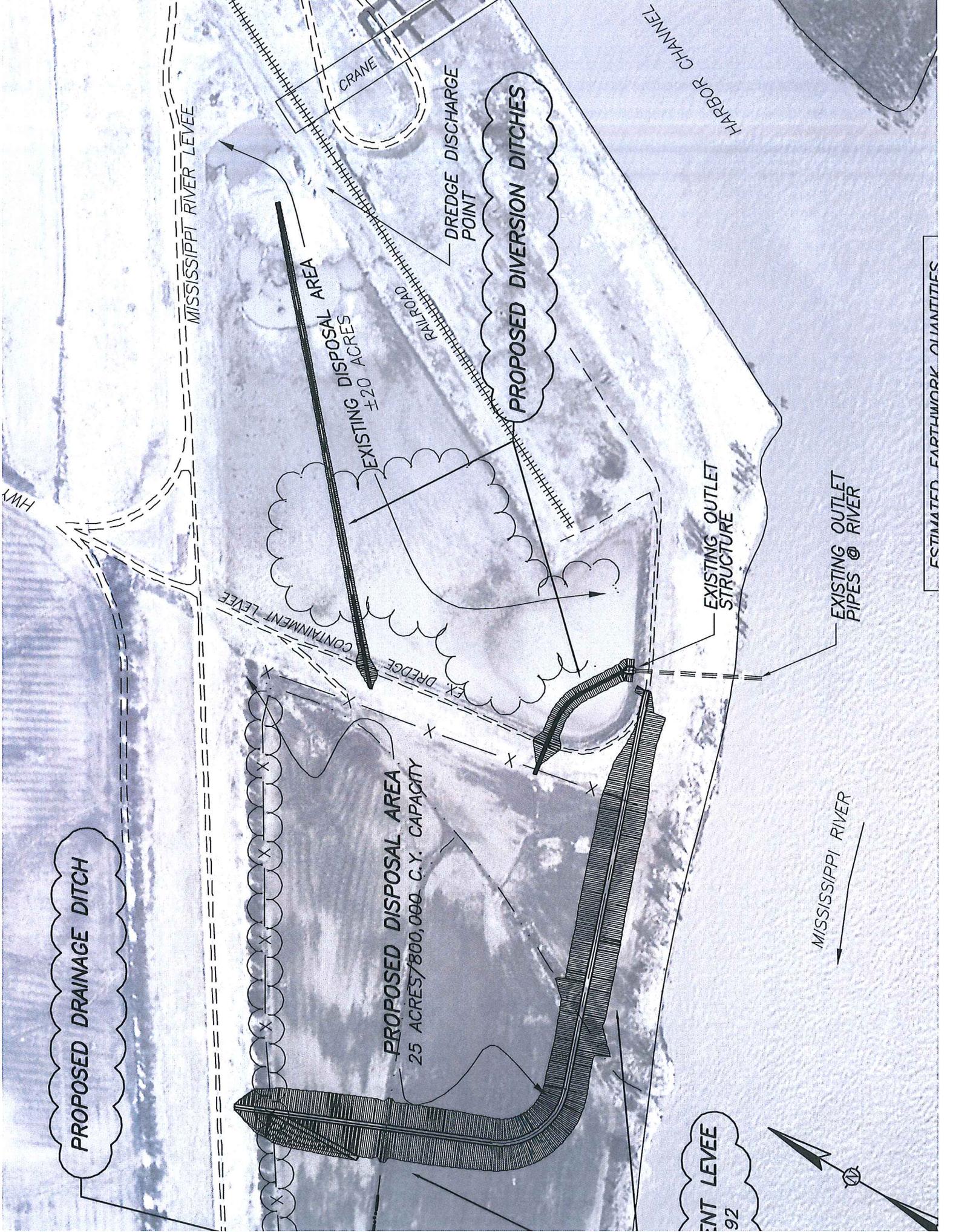


2000 ft

Google earth

© 2017, Google





MISSISSIPPI RIVER LEVÉE

CRANE

DREDGE DISCHARGE POINT

PROPOSED DIVERSION DITCHES

EXISTING DISPOSAL AREA  
±20 ACRES

RAILROAD

CONTAINMENT LEVEL

PROPOSED DISPOSAL AREA  
25 ACRES/800,000 C.Y. CAPACITY

EXISTING OUTLET STRUCTURE

EXISTING OUTLET PIPES @ RIVER

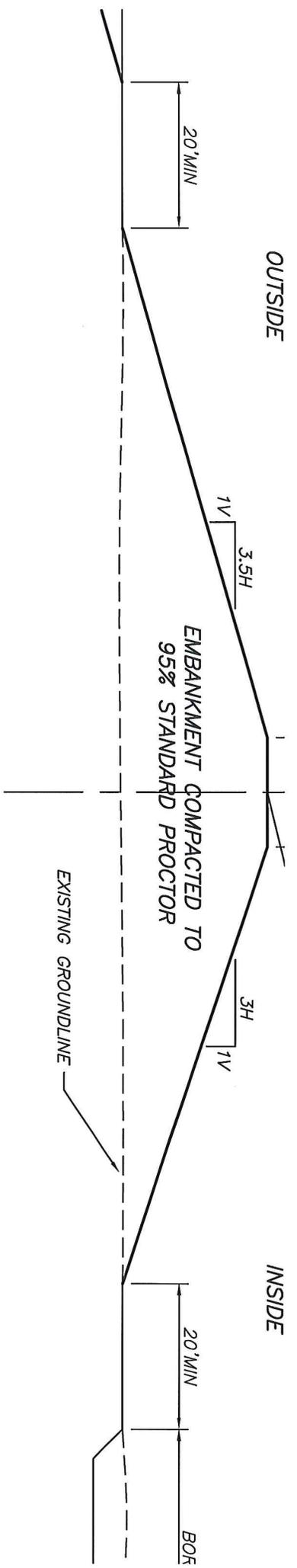
MISSISSIPPI RIVER

HARBOR CHANNEL

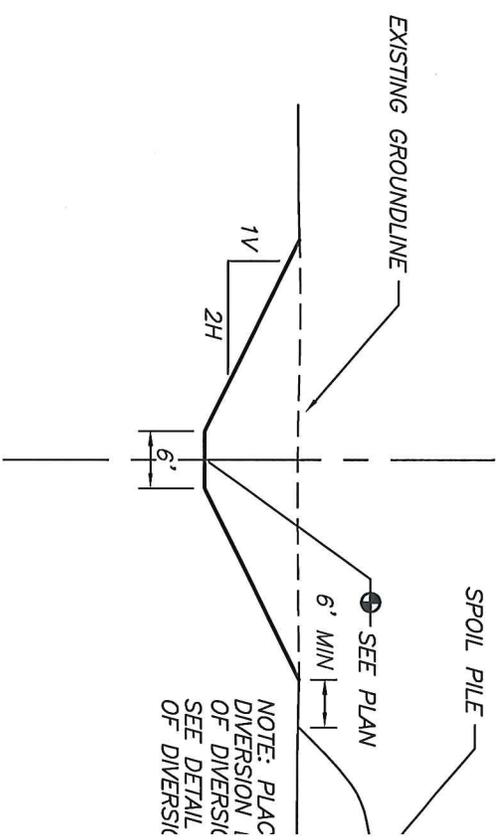
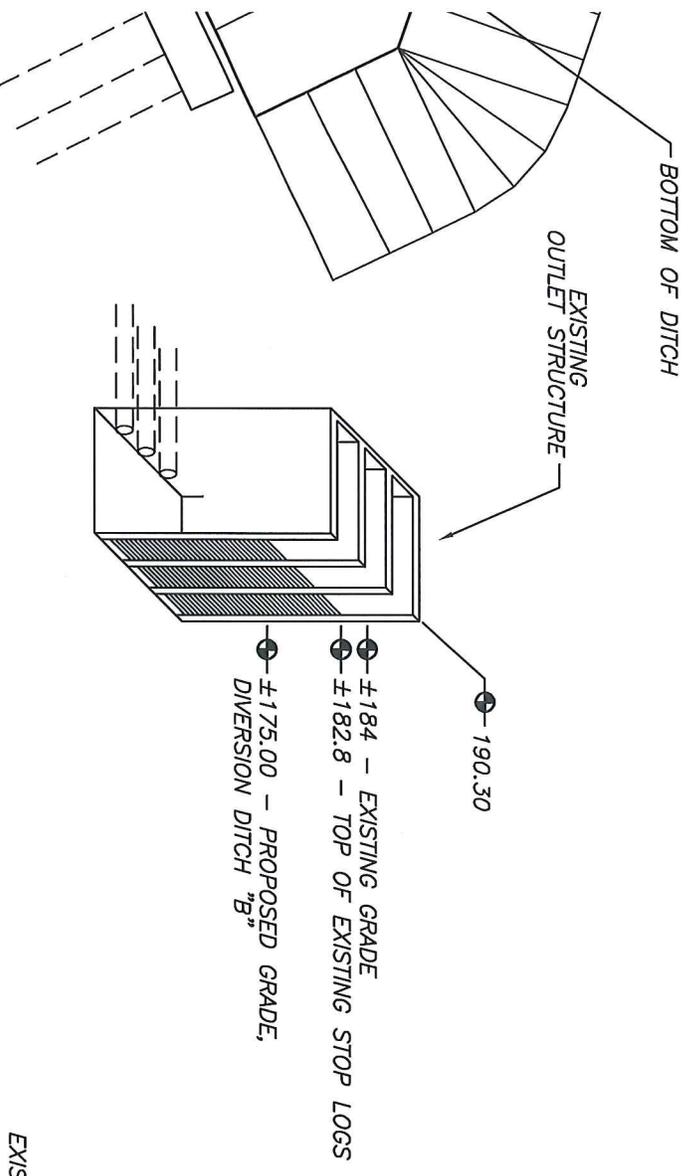
PROPOSED DRAINAGE DITCH

ENT LEVEL  
92

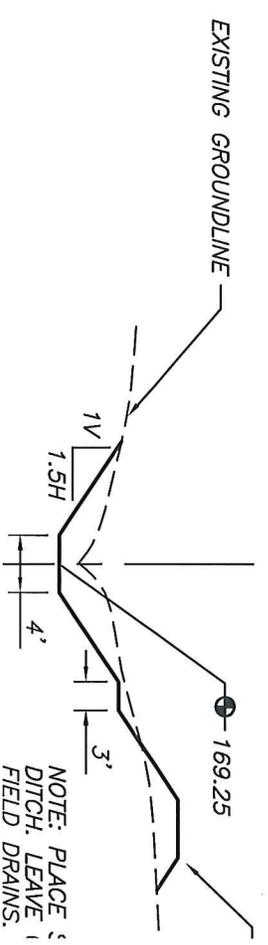
ESTIMATED EARTHWORK QUANTITIES



TYPICAL SECTION - DREDGE CONTAINMENT DIKE



TYPICAL SECTION - DIVERSION DITCH N.T.S.



TYPICAL SECTION - DIVERSION DITCH B & OUTLET STRUCTURE

1" = 20'