



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

**ISSUE DATE: 17 December 2019**

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**PUBLIC NOTICE**

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**EXPIRATION DATE: 17 January 2020**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS**  
**AND STATE OF ARKANSAS**

**Availability of draft Environmental Assessment, draft Finding of No Significant  
Impact, and Section 404(b)(1) Evaluation**

**REPLY TO:**

**ATTN: Kevin Pigott**

**Environmental Compliance Branch**

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

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**TITLE:** Below Piggott and Big Island Seepage Remediation, St. Francis River Basin,  
Clay and Greene Counties, Arkansas.

**AUTHORITY:** The proposed action is authorized as part of the Flood Control Act of 15 May 1928 as amended by the Acts of 15 June 1936, 18 August 1941, 24 July 1946, 17 May 1950, 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.

**LOCATION:** The proposed project involves implementing two seepage control measures along the St. Francis Levee in Clay and Greene counties, Arkansas. Project features include the construction of landside berms and modification of existing ditches to accommodate drainage. Access to the project area would be from county roads or from roads on top of the levee. Heavy construction equipment would be used to modify and fill the existing ditches and construct berms. Post-construction hydrology would be similar to pre-existing conditions for both proposed projects.

**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 update environmental coordination on the authorized project.

**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 Clay and Greene counties, Arkansas.

#### Below Piggott

The proposed project reach/area is approximately 9.5 miles long, extending from just north of U.S. Highway 90 south along the existing St. Francis River levee. Proposed berms would be between approximately 150 – 300 feet wide, depending on location. However, berms would not be required along the entirety of the 9.5-mile project reach, as seepage concerns in some areas would be addressed through ditch modification or creation. Throughout the 9.5 mile project reach, existing ditches would be filled and new ditches constructed approximately 170 feet from the existing levee toe (Figure 1).

Approximately 1,032,000 cubic yards of spoil material from previous maintenance activities on the St. Francis River would be utilized for borrow material (Below Highway 90 Channel Maintenance Cleanout). However, approximately 0.2 acres of trees would be required to be cleared to establish access to the borrow source. This clearing is added to the overall project mitigation requirements. The borrow area identified is riverside of the proposed project area.

#### Big Island

The proposed project reach/area is approximately 2.5 miles long, extending from U.S. Highway 412 south along the existing Big Slough levee. Two berms, approximately 2,500 and 1,000 feet long and approximately 150 feet wide, are proposed. As the case with the Below Piggott reach, existing ditches would be filled and new ditches constructed (Figure 2). Borrow is proposed to be obtained from a 40-acre cleared agricultural field riverside of the existing levee approximately 1.5 miles south of project reach/area. However, unlike the Below Piggott portion, proposed work at Big Island

would be split into two phases. Phase I would consist of the major portion of the 2,500-foot berm (the approximate lower half of the project reach) and would be truncated at the property line of the downstream landowner. Additionally, to preserve current hydrology, Phase I would be designed to receive existing runoff, as well as anticipated runoff from Phase II work to the north, which would consist of the remaining 1.25 miles of the project reach. Upon completion of construction activities, the levee would be re-graveled from the borrow location north to Highway 412. Please note that finalized design plans for Phase II are not yet complete, but contain enough details to calculate potential environmental impacts. Anticipated impacts based on Phase II preliminary designs have been estimated and accounted for in this EA's impact assessment and mitigation recommendations. If the Phase II design changes significantly from current design or requires additional mitigation, this EA will be updated to reflect the new design and mitigation requirements and re-submitted for public review.

**CLEAN WATER ACT:** 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. The project is being coordinated with the Arkansas Department of Environmental Quality. Approximately 64,000 cubic yards (Below Piggott) and 11,000 cubic yards (Big Island) would be excavated during ditch work and a total of approximately 6.7 acres of bottomland hardwood (BLH) would be cleared along the levee toe for both projects. Berm construction would also result in the placement of earthen fill material in approximately 19.8 acres of farmed wetlands.

**MITIGATION:** With the implementation of the proposed project, approximately 6.7 acres of bottomland hardwood (BLH) and 19.8 acres of Waters of the U.S. (farmed wetlands) are anticipated to be impacted. Approximately 2.9 acres of BLH and 19 acres of farmed wetlands would be impacted by the Big Island project, with the remaining associated with the Below Piggott project. The farmed wetland impacts would be mitigated at a 1:1 ratio with the 6.7 acres of BLH impacts mitigated at a 3:1 ratio for a total of 39.9 acres of BLH restoration required for both projects. Several properties have been suggested for mitigation and any of these areas would provide sufficient acreage to meet mitigation requirements. A mitigation team consisting of members from U. S. Fish and Wildlife Service (USFWS), U.S. Environmental Protection Agency, Arkansas Department of Environmental Quality, and Arkansas Game and Fish Commission has reviewed the properties and have deemed the properties to be suitable for mitigation. However, final fee purchase of the proposed mitigation property has not been completed, so a mitigation plan has not been finalized. This mitigation plan would be finalized with input from all team members and implemented concurrently with project construction.

**ENDANGERED SPECIES:** In the summer of 2018, USACE biologists conducted a site assessment of the proposed project areas. Scattered vegetation within the ditches proposed for modification was examined for the presence of suitable/potential habitat for the Indiana and northern long-eared bat. Dominant tree species include American elm, sugarberry, silver maple, hickory, sycamore, various types of oaks, and cottonwood.

Some trees were documented as being larger than 3 inches diameter at breast height, although no evidence of suitable roost trees (snags or live trees with exfoliating bark, cracks, crevices, or hollows) were observed. Three proposed seepage projects were under consideration for construction in early 2018. These three projects (of which Big Island and Below Piggott were two) comprised approximately 25 linear miles of seepage remediation. Out of an abundance of caution, USACE biologists conducted a mist-net bat survey following the USFWS 2018 Range-Wide Indiana Bat Summer Survey Guidelines. The results of the survey failed to identify the presence of the Indiana or northern long-eared bat within any of the three proposed project areas. No federally threatened or endangered aquatic organisms, including freshwater mussels 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.

Additionally, no evidence of bald eagles, or their nests, were observed at any project location. The bald eagle is no longer listed as a threatened species, but is still protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act.

**CULTURAL RESOURCES:** A literature review and cultural resources survey within the Project's Area-of-Potential-Effect (APE), including the proposed borrow locations, were completed by the MVM archaeologist in the summer of 2018. The proposed project APE was previously cleared during construction of the St. Francis Levee. Field surveys of potential borrow locations not previously surveyed were conducted in the summer of 2019 with results coordinated with the Arkansas State Historic Property Office (SHPO). The SHPO concurred with MVM's no effect determination.

No significant cultural resources were identified within the proposed projects APE. No additional cultural resources investigations are recommended prior to project implementation. However, 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. This notice is being circulated to federal, state and local agencies and to the public.

The decision to proceed with this project 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 potential benefits that reasonably may be expected to accrue from the activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered, including the cumulative effects thereof.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to modify or condition the project. 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 preparation of the final environmental assessment or a draft environmental impact statement pursuant to the National Environmental Policy Act and are also used to determine the overall public interest of the proposed activity. Comments are also considered by the Arkansas Department of Environmental Quality pertaining to the granting and/or conditioning of water quality certification. The draft Environmental Assessment, draft Finding of No Significant Impact, and Section 404 (b)(1) evaluation will be circulated to agencies and any other parties that respond to this notice requesting copies. Copies of these documents have 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 received by this office by 17 January 2020.** All comments will be forwarded to Arkansas Department of Environmental Quality for consideration regarding state water quality certification.

Sincerely,



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

Enclosures



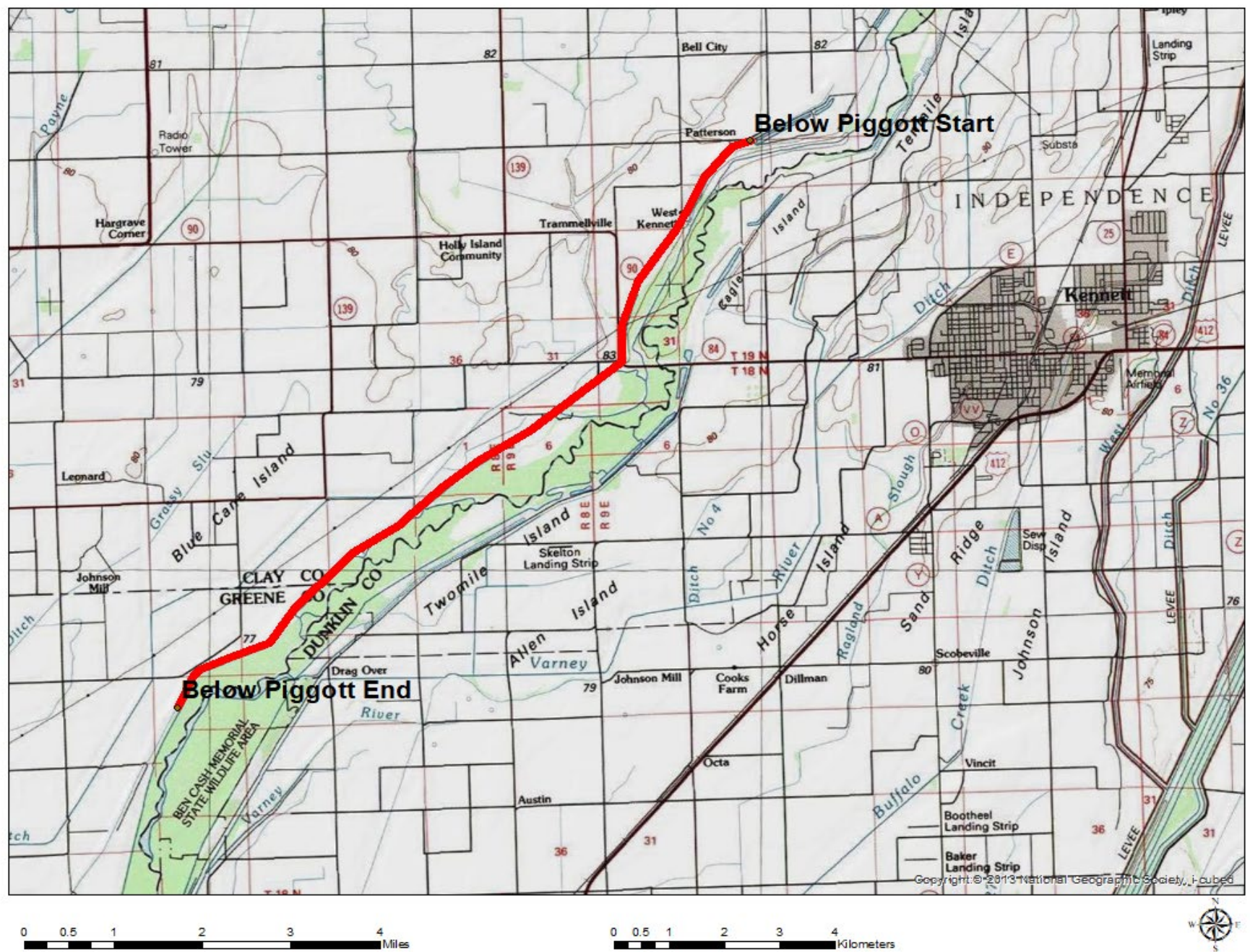


Figure 1. Location of Proposed Below Piggott Seepage Remediation Project, Clay and Greene County, Arkansas.



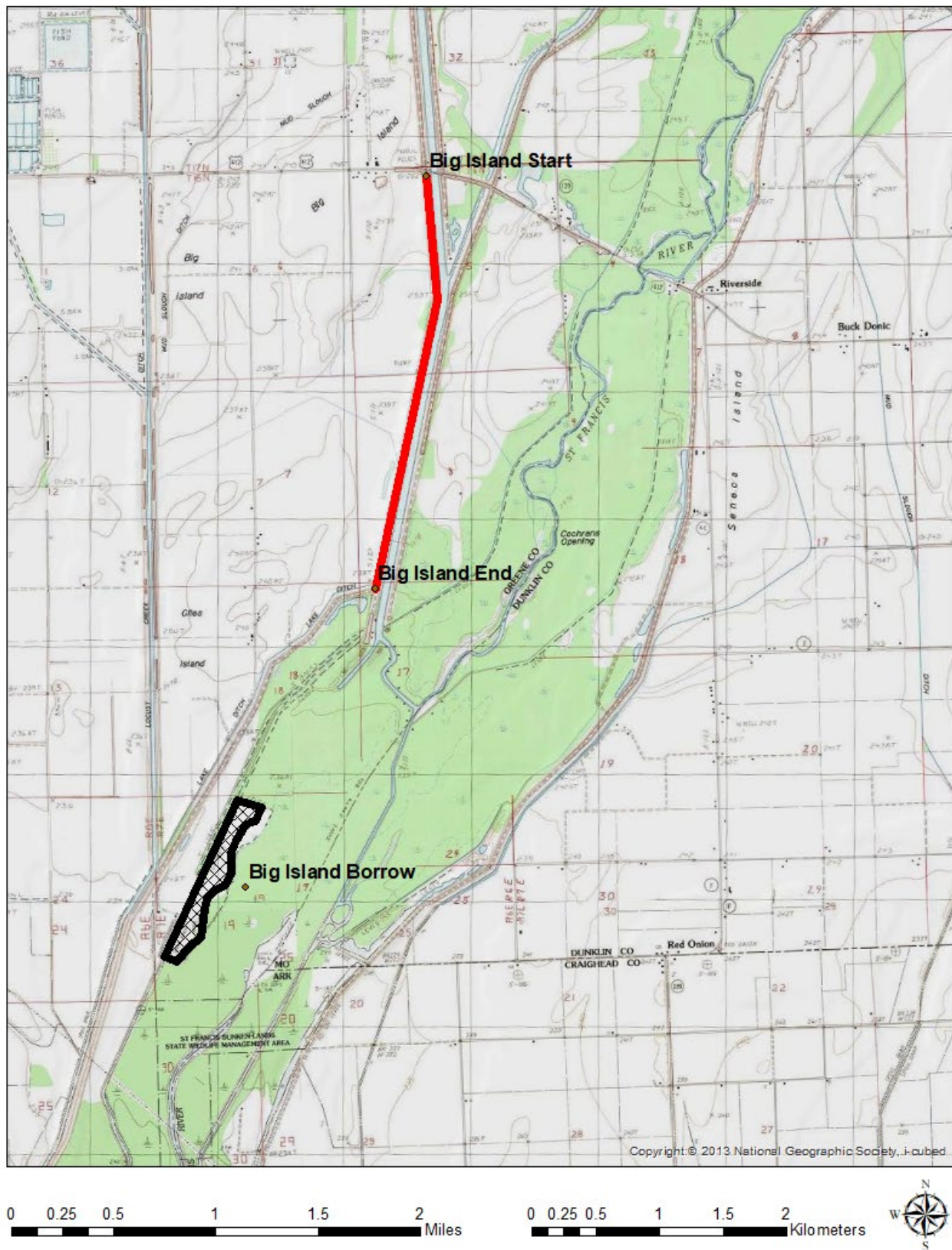


Figure 2. Location of Proposed Big Island Seepage Remediation, Greene County, Arkansas.