



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

ISSUE DATE: 25 November 2020

PUBLIC NOTICE

EXPIRATION DATE: 26 December 2020

PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS

**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 Kennett/Drainage District (DD) 48 Seepage Remediation, , St. Francis River Basin, Dunklin County, Missouri.

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, 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. Local cooperation requirements for the Below Kennett/DD48 project were modified by the Flood Control Act of 24 July 1946, and limited local responsibility to ordinary maintenance as defined by Section 3 of the Flood Control Act of 1928. The Below Kennett/DD48 project site is covered by the 1964 USACE General Design Memorandum 104.

LOCATION: The proposed project is approximately 8 miles long, essentially from Missouri County Road 438 south along the existing East Bank St. Francis River Levee System to just south of Missouri County Road 513 (levee baseline stations 19/18+00 and

28/00+00). The study area is directly west of Kennett, Missouri, and runs south towards the Varney River confluence with the St. Francis River (Figure 1).

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: The purpose of the proposed action is to control seepage under the St. Francis River Levee and reduce flood risk, flood damages, and flood protection costs resulting from flood events occurring in the St. Francis River floodplain. The proposed project would bring the existing infrastructure into compliance with current Engineering Manuals and Engineering Regulations.

DESCRIPTION OF WORK: The proposed project resulted from analysis of seepage potential along the landside toe and within the adjacent ditch work running parallel to the levee and involves implementing seepage control measures along the St. Francis River Levee in Dunklin County, Missouri. Project features for the proposed seepage control action include construction of continuous, semi-pervious landside berms; modifying existing ditches to re-orient interior drainage away from the levee through a combination of existing and new ditch work; and re-grading fields adjacent to the levee (Figure 2). 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 the proposed project.

CLEAN WATER ACT: Impacts to water quality within the St. Francis River, Varney River, and other drainage would be minimal or have no effect, as the drainages normally carry a heavy sediment load and the project action would be conducted during dry or low water periods. Modifying the existing drainage ditches would increase their discharge capacity, allowing them to handle in excess of 100-year flood events. The project would have only minor impacts on water quality to adjacent areas. Turbidity and suspended solids would be increased to minor degrees as a result of runoff from cleared areas. However, best management practices (*e.g.*, silt fences, seeding) would be employed throughout construction to minimize impacts. Any temporary impacts to water quality would be anticipated to return to normal shortly after construction ceases. Thus, no significant impacts to water quality would occur as a result of the proposed project. The project is being coordinated with the Missouri Department of Natural Resources.

Approximately 1,200,000 cubic yards of fill material will be placed in existing ditches and used to create seepage berms. The construction of the landside berms would result in the placement of fill into approximately 20.0 acres of bottomland hardwood (BLH) and 6.75 acres of farmed wetlands. At a minimum, a 3:1 ratio (60.0 acres) would be used to

offset BLH impacts and a 1:1 ratio (6.75 acres) would be used to offset farmed wetland impacts for a total of 66.75 acres required to fully mitigate the proposed project.

ENDANGERED SPECIES: According to information obtained from the U.S. Fish and Wildlife Service (USFWS), there are a total of three threatened, endangered, or candidate species that could potentially be found within the proposed project area. These species are the Indiana bat (*Myotis sodalis*), grey bat (*M. grisescens*), and northern long-eared bat (*M. septentrionalis*). Of these species, only the endangered Indiana bat and threatened northern long-eared bat would potentially utilize the forested habitat within the project areas. Grey bats are cave-dependent species, and caves are not found within the project area.

In the summer of 2018, the proposed project area was surveyed using mist netting in accordance with the USFWS 2018 Range-Wide Indiana Bat Summer Survey Guidelines. No listed species were captured during the survey period. USACE has determined that project activities will not affect listed bat species due to their probable absence. Tree clearing would proceed with no restriction dates. The USFWS concurred with this determination 30 November 2018. Any potential roost trees would be avoided to the extent practicable, especially in areas where complete clearing is not necessary. Removal of vegetation outside peak breeding seasons to help protect bird species would also be enforced, to the extent practicable.

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 River Levee. Field surveys of potential borrow locations not previously surveyed were conducted in the summer of 2019 with results coordinated with the Arkansas and Missouri state historic preservation office.

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 Missouri Department of Natural Resources 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 26 December 2020.** All comments will be forwarded to Missouri 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

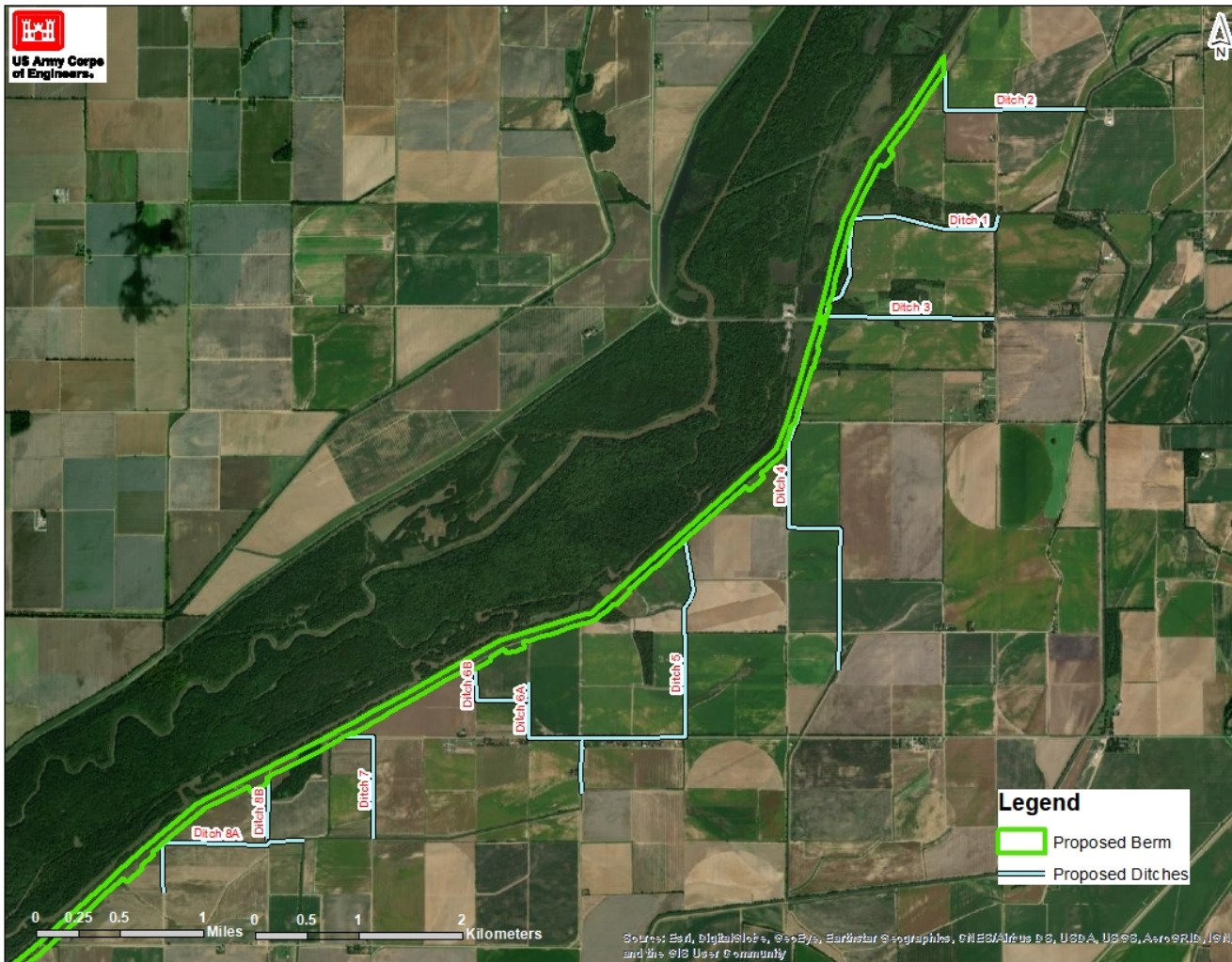


Figure 2. Proposed ditch modifications and alignments for the proposed Below Kennett/DD 48 Seepage Remediation Project, Dunklin County, Missouri