

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2018-209 (JFB)

NOTICE DATE:
December 17, 2019

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
➡ **January 16, 2020**

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:

Robert Van Winton
K & T Ford, LLC
203 South Pruett Street
Paragould, Arkansas 72450
(870) 239-0600

AGENT:

Eric Alan Bouldin
Southern Habitat Management, Inc.
1325 Green Road 715
Paragould, Arkansas 72450
(870) 236-0749

PURPOSE: The purpose of the project is to direct runoff from the applicant's property into the Cache River for alleviation of flooding on the county road, as well as to provide seasonal flooding in the wooded areas for waterfowl habitat.

LOCATION: The project site is located northwest of Boydsville on the left descending bank of Cache River Ditch in Clay County, Arkansas, at approximate Latitude 36.36873° and Longitude -90.41486° on the Boydsville 7.5 minute quadrangle map (See Vicinity Map and Attachment 1).

DESCRIPTION OF WORK: The applicant requests permit authorization to excavate a ditch and construct a levee within wooded wetlands. An approximately 2,466 foot section of the proposed ditch and levee would be situated parallel to County Road 263. An additional 1,000-feet of new ditch would be excavated at the base of the Cache River levee with materials excavated from this new ditch placed on the existing levee. Proposed impacts would total 2.26 acre. (Attachments 2, A, B, and C).

AVOIDANCE/MINIMIZATION: According to the applicant, other levee designs were considered, and the proposed design minimizes impacts while accomplishing their purpose for the project.

MITIGATION: To offset proposed impacts, the applicant proposes to restore hydrology on 6.87 acres of land along the banks of the Cache River. The site is approximately 19 miles further downstream from the project location (Attachments 3). Generally, the plan consists of hydrology restoration efforts by raising the elevation of an existing drainage tile and installing a flashboard riser. The cleared area of this property, which is approximately 1.5 acres in size, would then be planted with wetland vegetation to include grasses and hardwood trees.

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 preliminary determination is that there would be no endangered species or critical habitat affected by this proposal. However, 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 is soliciting comments from federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties in order to identify and evaluate potential impacts of the proposed action on historic properties.

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 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 email to the following:

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

State Permits Branch, Water Division
Arkansas Department of Environmental Quality
ATTN: Melanie Treat
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: treat@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: <https://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 Branch office for examination.

Gregg W. Williams
Chief
Regulatory Branch

Attachments

Vicinity Map

MVM 2018-209

Legend

 Site and Mitigation Locations

U.S. Hwy 67

67

W Main St

Corning

Reyno

Little River Island

Knobel

Peach Orchard

141

304

Delaplaine

Proposed Mitigation Site

135

Lafe

34

49

Marmaduke

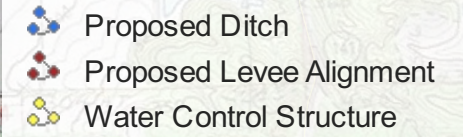
Google earth

© 2018 Google

9 mi



Attachment 1



© 2018 Google




1 mi

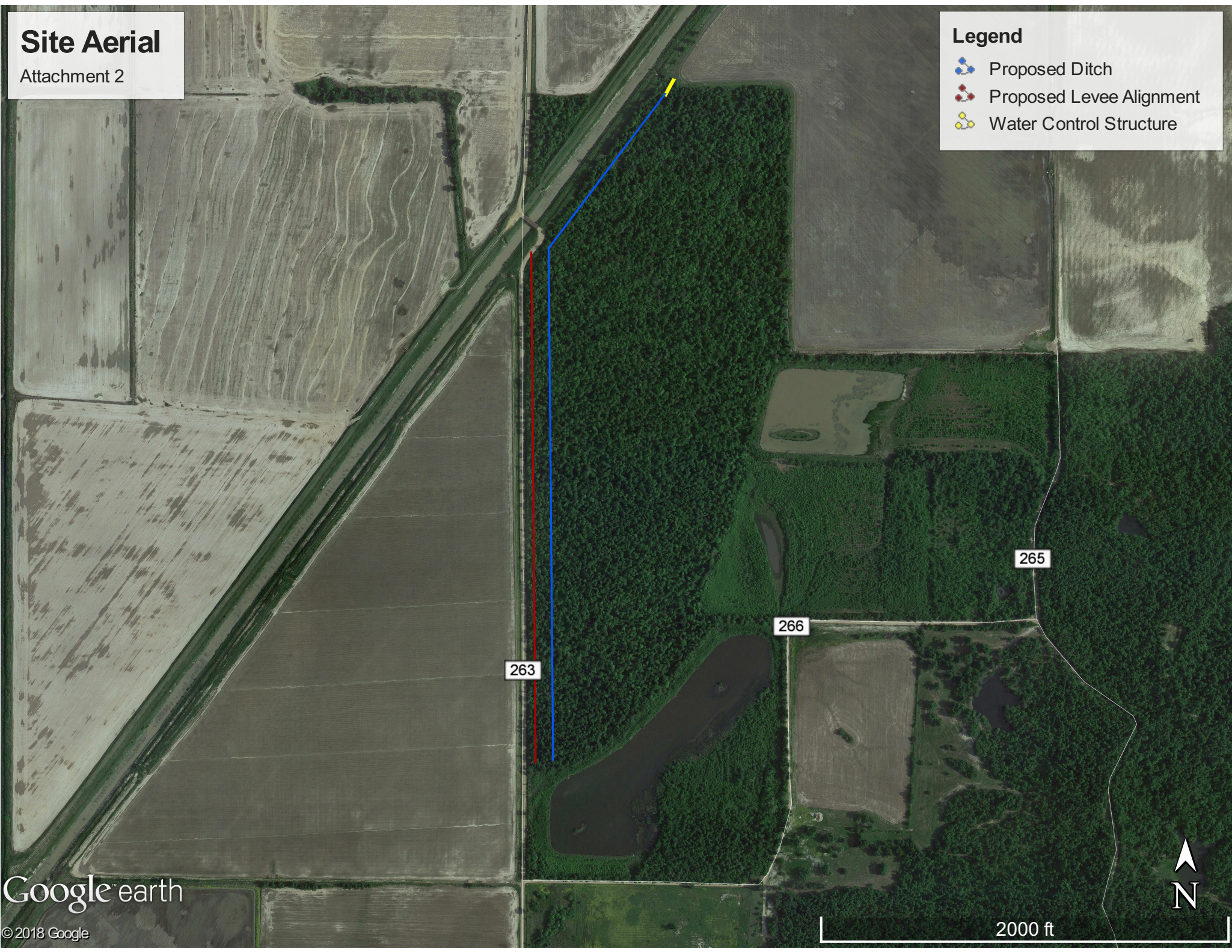


Site Aerial

Attachment 2

Legend

-  Proposed Ditch
-  Proposed Levee Alignment
-  Water Control Structure



Google earth

© 2018 Google


2000 ft



Mitigation Aerial

Attachment 3

Legend

 Mitigation Site

Greene Rd 147

Google earth

© 2018 Google

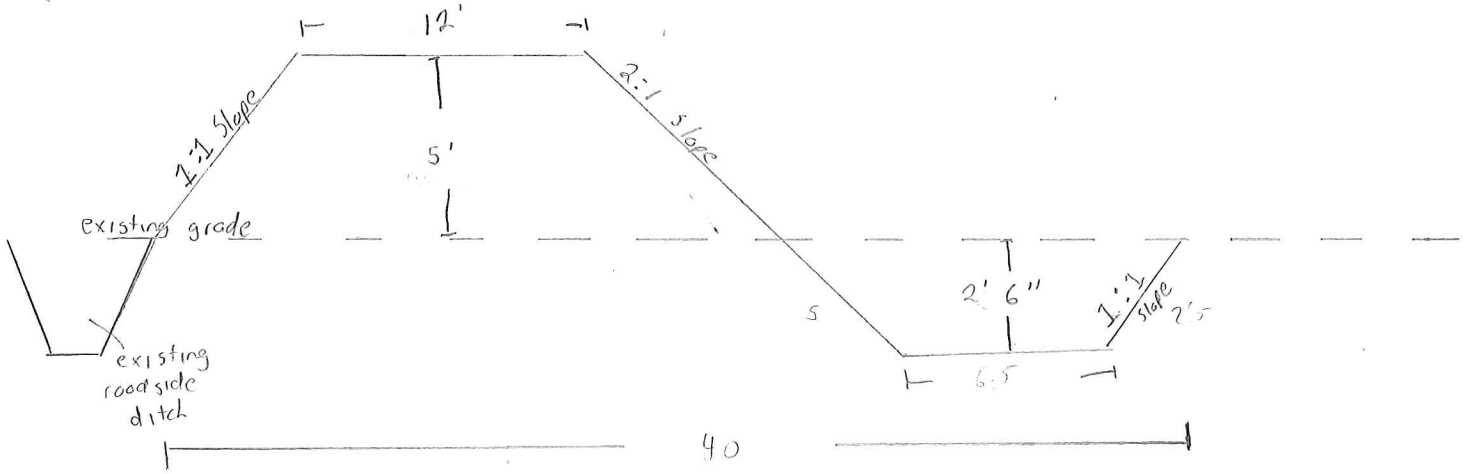


900 ft

Attachment "A"

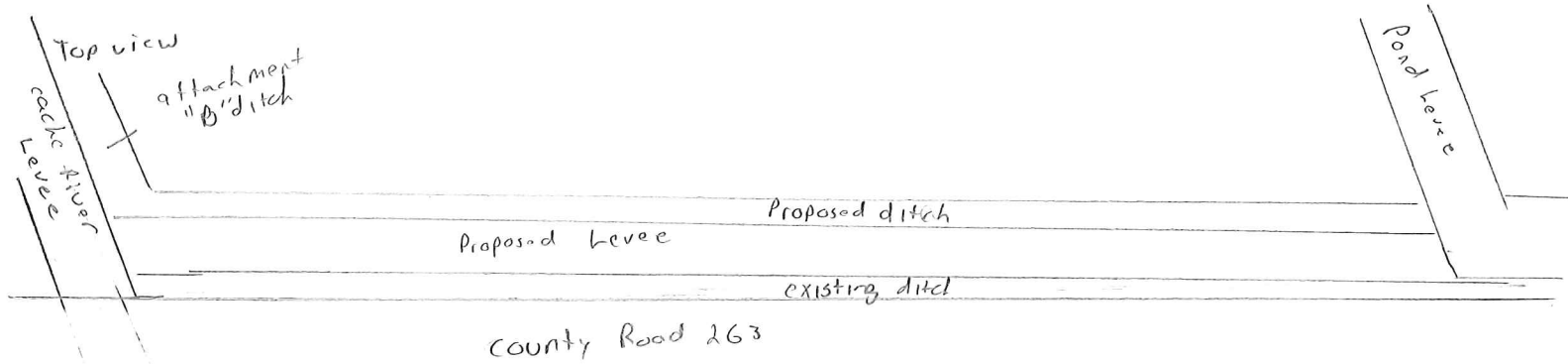
Levee and ditch along Road 263

cross view

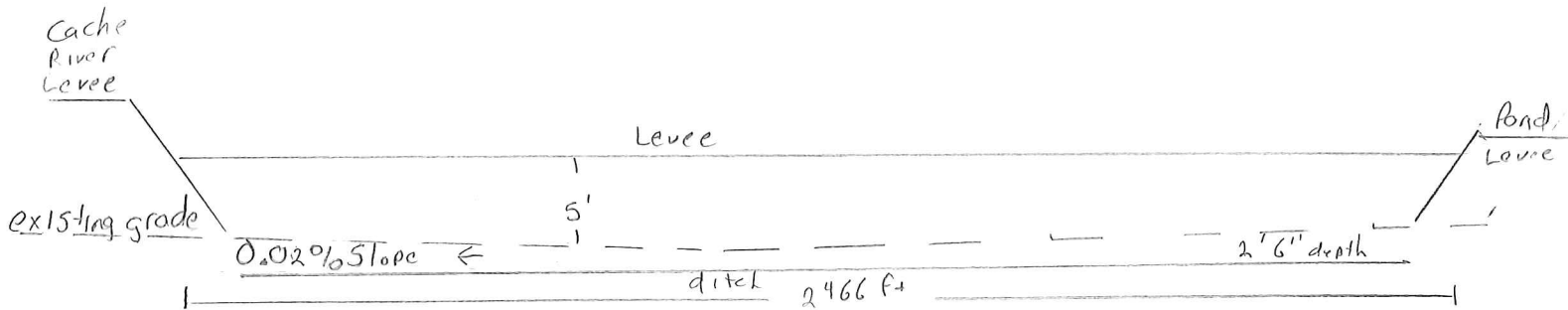


Top view

attachment
"B" ditch

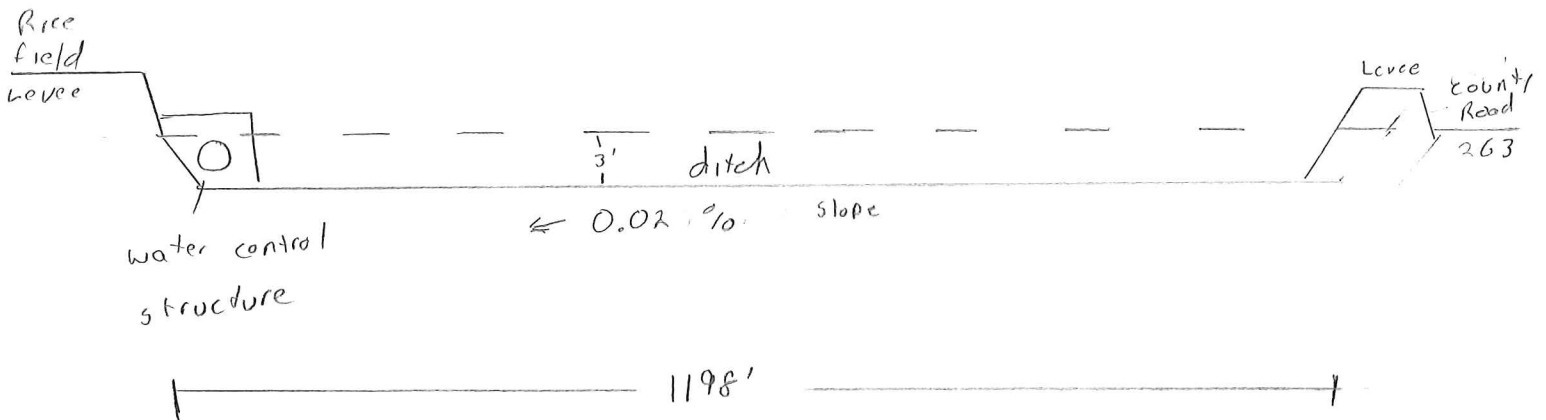
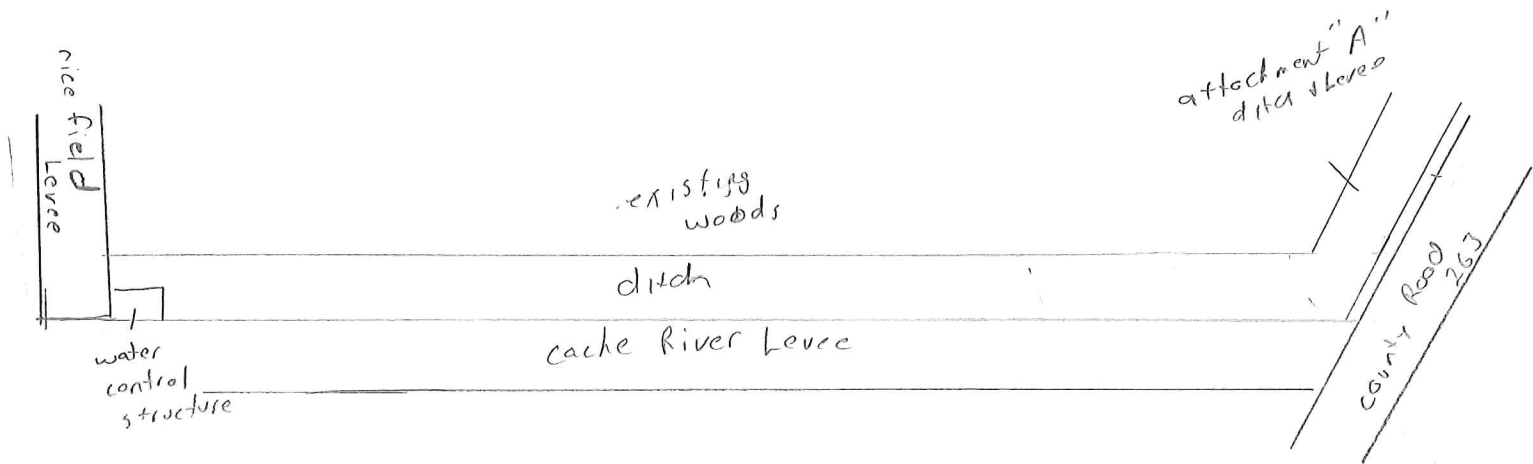
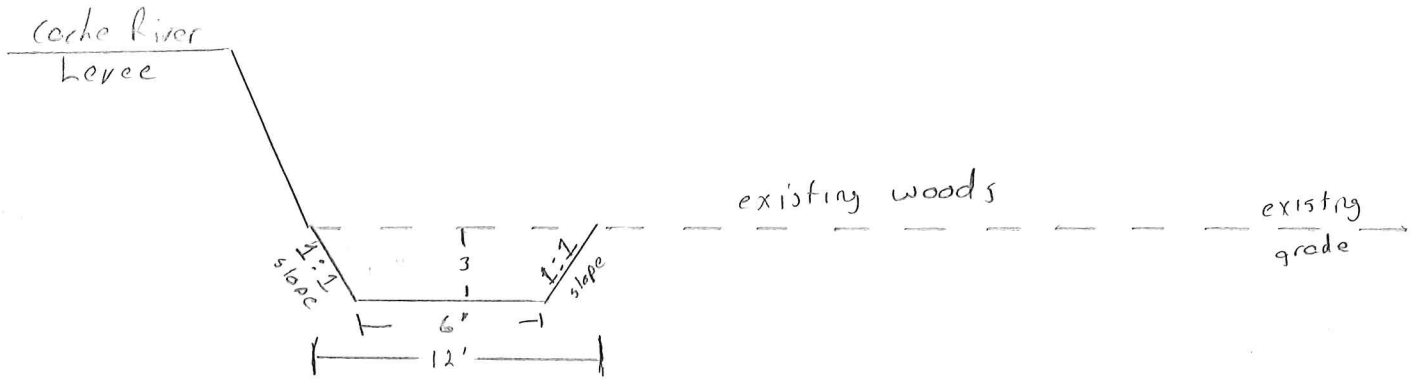


side view



total: 98,640 ft²
2.264 acres

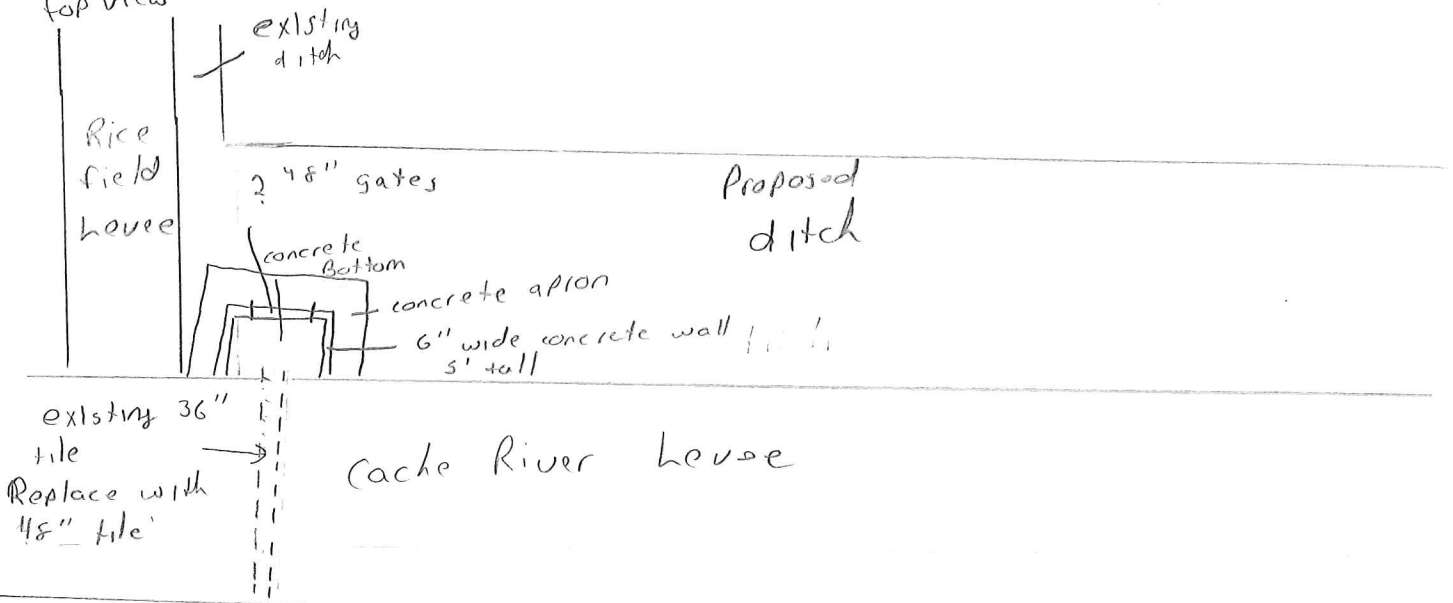
Attachment "B" ditch along Cache River Levee



total area disturbed : 14 376 ft²
= .33 acres

Attachment "C"
Water Control Structure

top view



Cache River

front view

