



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2021-347

NOTICE DATE:
January 12, 2022

Attn:
Postmaster,
Please Post Until

EXPIRATION DATE:
February 10, 2022

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources (MDNR). The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification.

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:

Patrick McHaney
McHaney Brothers
P.O. Box 22
Kennett, MO 63857
(870) 740-0450

AGENT:

Daniel Baldwin
Baldwin Conservation Group
107 W 4th Avenue
Rector, AR 72461
(870) 595-3230

PURPOSE: The purpose of the project is to increase irrigation and farm efficiency at the project site.

LOCATION: The project site is located in Section 14, Township 19N, Range 9E, in Dunklin County, Missouri, at approximate Latitude 36.2816° and Longitude -90.0563° on the Kennett North 7.5-minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to fill and land level 3.5 acres of farmed wetland and bring this area into agricultural production (Attachment 2). Fill material will be obtained from the same field containing the farmed wetland.

AVOIDANCE/MINIMIZATION: According to the applicant, avoiding the existing farmed wetland would not allow him to meet his purpose of improving irrigation and farm efficiency at the site.

MITIGATION: The applicant proposes to mitigate impacts to 3.5 acres of farmed wetlands by the restoration of 5.0 acres of bottomland hardwoods. The mitigation site is located approximately 2.7 miles north of the proposed project site in Section 3, Township 19N, Range 9E, in Dunklin County, Missouri, at approximate Latitude 36.3190° and Longitude -90.0697° (Attachments 3 and 4).

WATER QUALITY CERTIFICATION: The Memphis District is requesting water quality certification for the above described activity from MDNR, in accordance with Section 401(a)(1) of the Clean Water Act. Comments should be sent to the MDNR, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.

This Public Notice serves as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

ENDANGERED SPECIES: Our determination is that the proposal would have no effect on the Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), or Northern Long-eared Bat (*Myotis septentrionalis*). 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 will identify and evaluate potential effects of the proposed action on historic properties through consultation with federal, state, and local agencies, federally-recognized Indian Tribes, the public, and other interested parties.

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 proposed activities and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The project review will include 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 when evaluating 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.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Send comments to the Corps of Engineers, Memphis District, and MDNR. Comments must be received by the expiration date listed on page one of this notice and may be sent via mail or e-mail to the following:

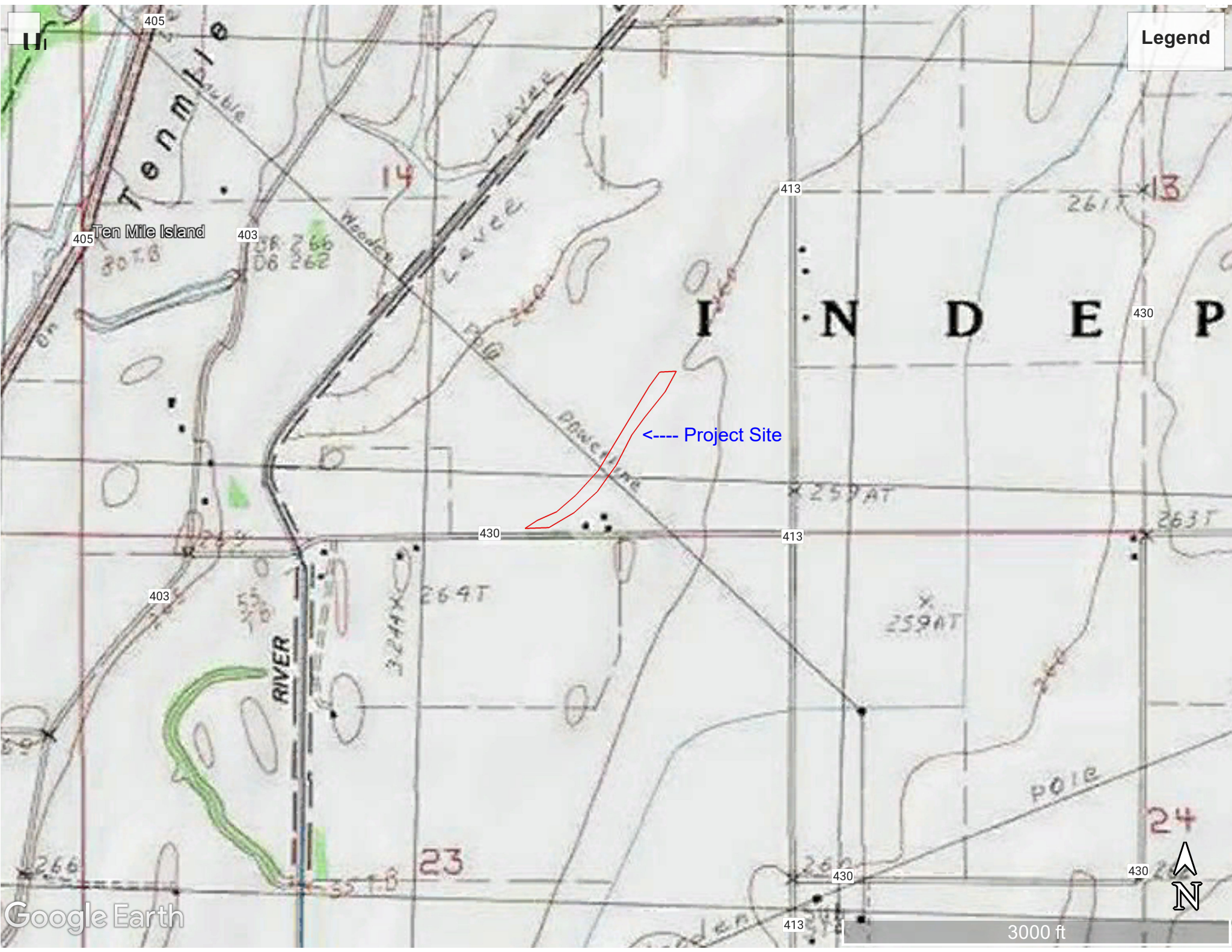
U.S. Army Corps of Engineers, Memphis
District
Regulatory Division
ATTN: Josh Bright
167 N. Main Street, B-202
Memphis, Tennessee 38103-1894
e-mail: joshua.k.bright@usace.army.mil
phone: (901) 544-0926
fax: (901) 544-0211

MDNR
Water Protection Program
P.O. Box 176
Jefferson City, Missouri 65102-0176
e-mail: cleanwater@dnr.mo.gov
phone: (573) 751-1300

For Final Individual Permits actions in the Memphis District, go to the following link: <http://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 Division office for examination.

Gregg W. Williams
Chief
Regulatory Division

Attachments



Legend

----- Project Site



Compliance Determination Map

Date: 2/12/2016

Customer(s): MCHANEY BROS

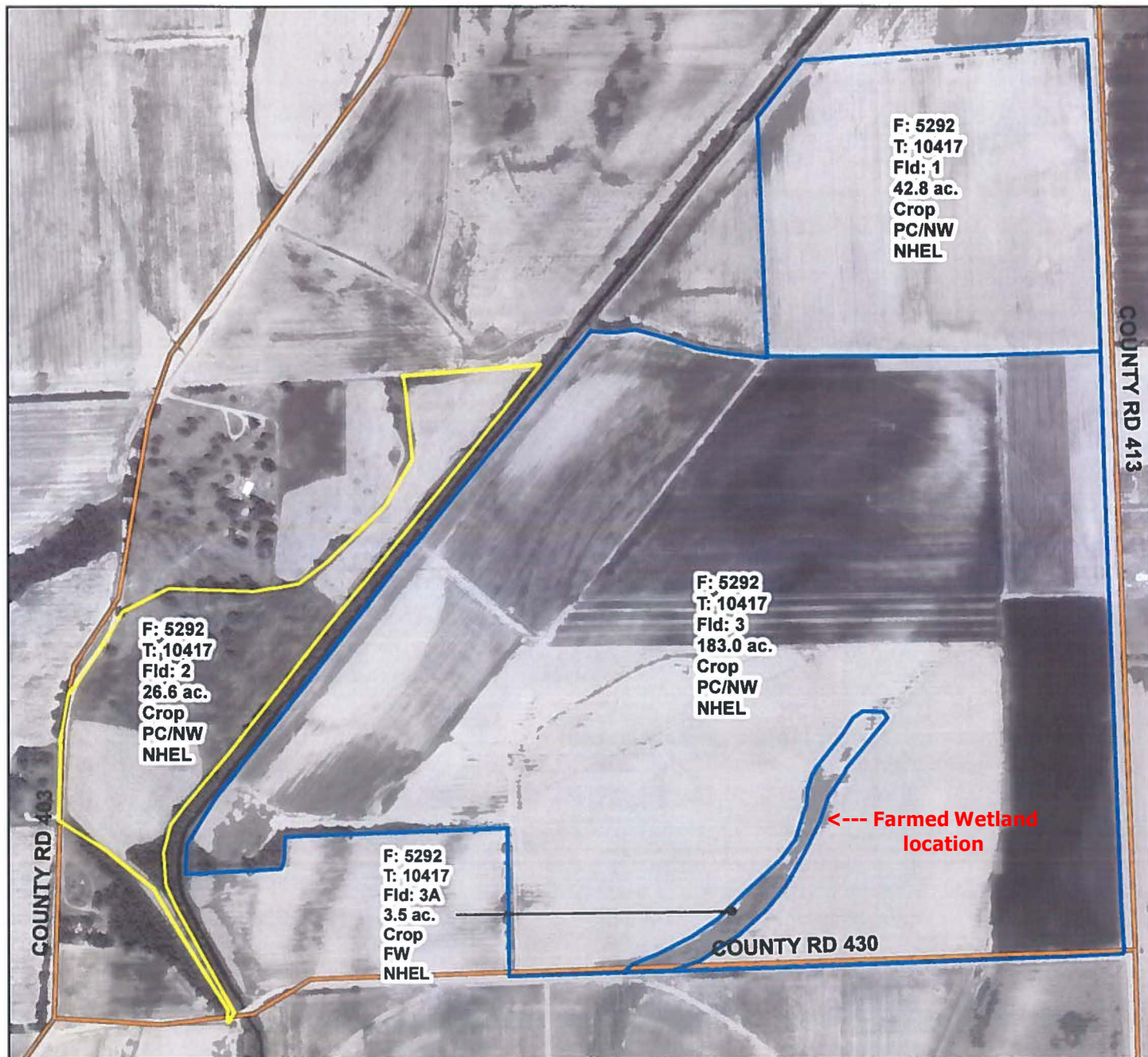
District: DUNKLIN SWCD

Legal Description: S14 / T19N / R9E

Field Office: KENNETT

Agency: USDA/NRCS

Assisted By: JASON BRUCE



Legend

t10417wetdeterm_a_mo069

T10417

roadsmodot_l_mo

RTE_DESG

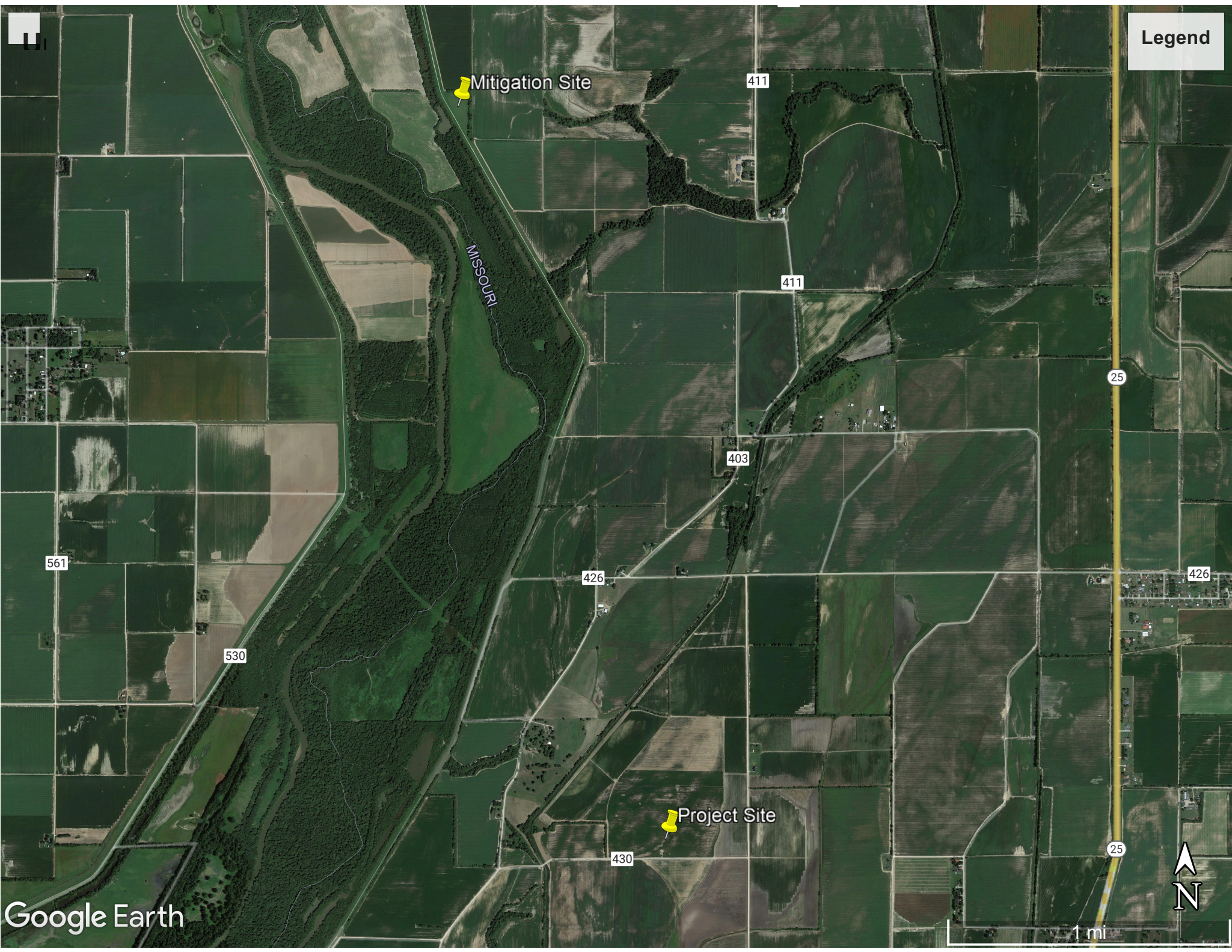
HIGHWAY

COUNTRY RD



330 0 330 660 990 1,320
Feet





Legend

Mitigation Site

411

411

25

561

530

426

403

426

Project Site

430

25

Google Earth

1 mi



Certified Delineation Map

Customer(s): MCHANEY BROS

District: DUNKLIN COUNTY SOIL & WATER CONSERVATION DISTRICT

Legal Description: Sec3-Twn19N-Rng9E

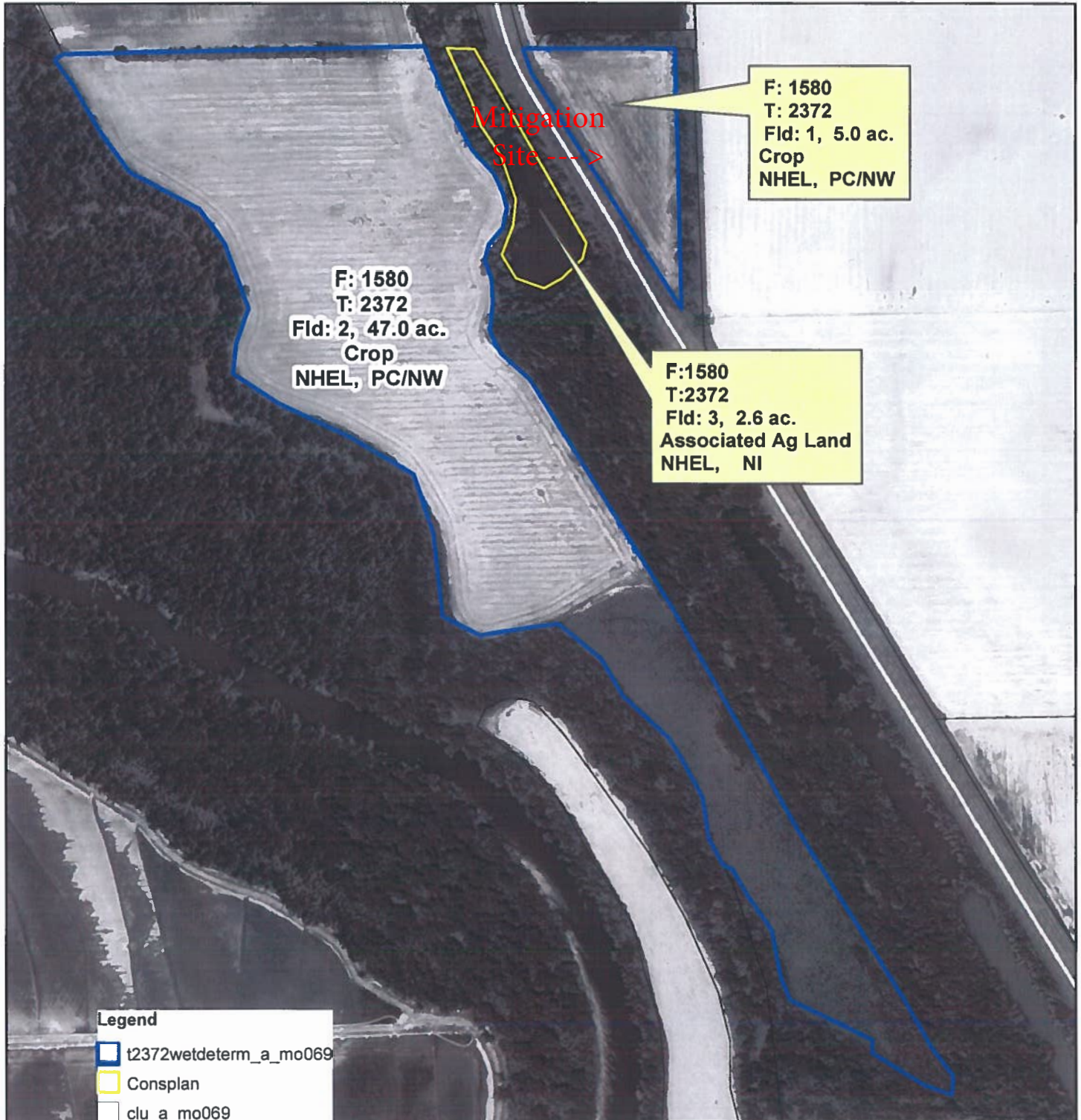
Farm: 1580, Tract:: 2372

Field Office: KENNETT SERVICE CENTER

Agency: USDA-NRCS

Assisted By: STEPHEN WATSON

State and County: MO, Dunklin County, Missouri



Legend

t2372wetdeterm_a_mo069

Consplan

clu_a_mo069

roadsmodot_l_mo

RTE_DESG

HIGHWAY

COUNTRY RD

275 0 275 550 825 1,100 Feet

N

