

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2020-30 (JFB)

NOTICE DATE:
April 19, 2021

Attn: Postmaster,
Please Post Until



EXPIRATION
DATE:
May 19, 2021

Public Notice

U.S. Army Corps of Engineers

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:

William Anderson
Bigcreek Buckhorn, LLC
4625 Hwy 33 S
DeValls Bluff, Arkansas 72041
(870) 830-2661

AGENT:

Joel Ward
Lyrata Consulting, LLC
10 Zachary Lane
Mayflower, Arkansas 72106
(501) 766-1281

LOCATION: The project site is located near the community of Monroe in Lee County, Arkansas, more specifically at approximate Latitude 34.724543° and Longitude -91.024647° on the Monroe 7.5 minute quadrangle map (See Vicinity Maps 1 and 2).

PURPOSE: The purpose of this project is to seasonally impound water for recreational waterfowl hunting.

HISTORY: Big Piney Creek is a large tributary flowing more than 15 miles from near Brinkley in Monroe County, Arkansas, to its confluence with Big Creek in Lee County, Arkansas. Over much of its length, the stream has been channelized for drainage improvements and exhibits large disposal piles on either or both sides. These disposal piles, which resulted from the channelization work and subsequent maintenance, contain gaps at intervals over the length of the stream/ditch. Recently, the channel had accumulated sediments removed along much of its length, including through the applicant's property.

DESCRIPTION OF WORK: The applicant proposes to utilize the existing disposal piles along Big Piney Creek in conjunction with four new levees he intends to construct to retain or impound water in areas drained by the recent channel maintenance. These levees would create three impoundment units on his property adjacent to the creek channel. The existing disposal piles along the channel are approximately four to six feet in height while the new levees proposed for construction would be three feet in height (see attachments 1 & 2). Levee #1 for Unit 1 would be approximately 1,410 feet in length and form an impoundment approximately 40 acres in size (see Site Map-Unit 1). Unit 2, estimated to be approximately 55 acres in size, would be formed by constructing two levees with Levee #2 being approximately 410 feet in length while Levee #3 would be approximately 570 feet in length (see Site Map-Unit 2). Unit 3 would be formed by levee #4, which would only be approximately 20 feet in length, and would impound approximately 125 acres utilizing both the existing disposal pile and an abandoned county roadbed that formerly crossed Big Piney Creek on the property (see Site Map-Unit 3). At locations where gaps in the disposal

pile exist, these would be filled to a height of three feet above natural ground level. Water management on these areas would be performed using flashboard riser structures installed in the levees, to manipulate water levels. Water management is expected to mimic natural condition prior to channelization of the creek and would follow recommendations by the Arkansas Game & Fish Commission as much as possible to prevent damage to the forested wetlands, which can largely be characterized as cypress-tupelo swamp. A total of 1.25 acres of wetland would be impacted by the proposed levees and an additional 0.65 acres of wetland would be impacted by excavation in order to construct these levees.

AVOIDANCE/MINIMIZATION: According to the applicant, impacts to wetlands are expected to be minimal and have been reduced to the extent possible.

MITIGATION: The applicant does not propose compensatory mitigation for wetland impacts at this time since the area's hydrology has been recently impacted by maintenance dredging of Piney Creek Ditch. However, the applicant has indicated that a permittee-responsible mitigation plan in this basin and nearby the project site could be submitted should it be deemed necessary.

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the ADEQ (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification.

ENDANGERED SPECIES: Our preliminary determination is that there would be no endangered species or critical habitat affected by this proposal. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they 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. 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

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 Division office for examination.


Gregg W. Williams
Chief
Regulatory Division

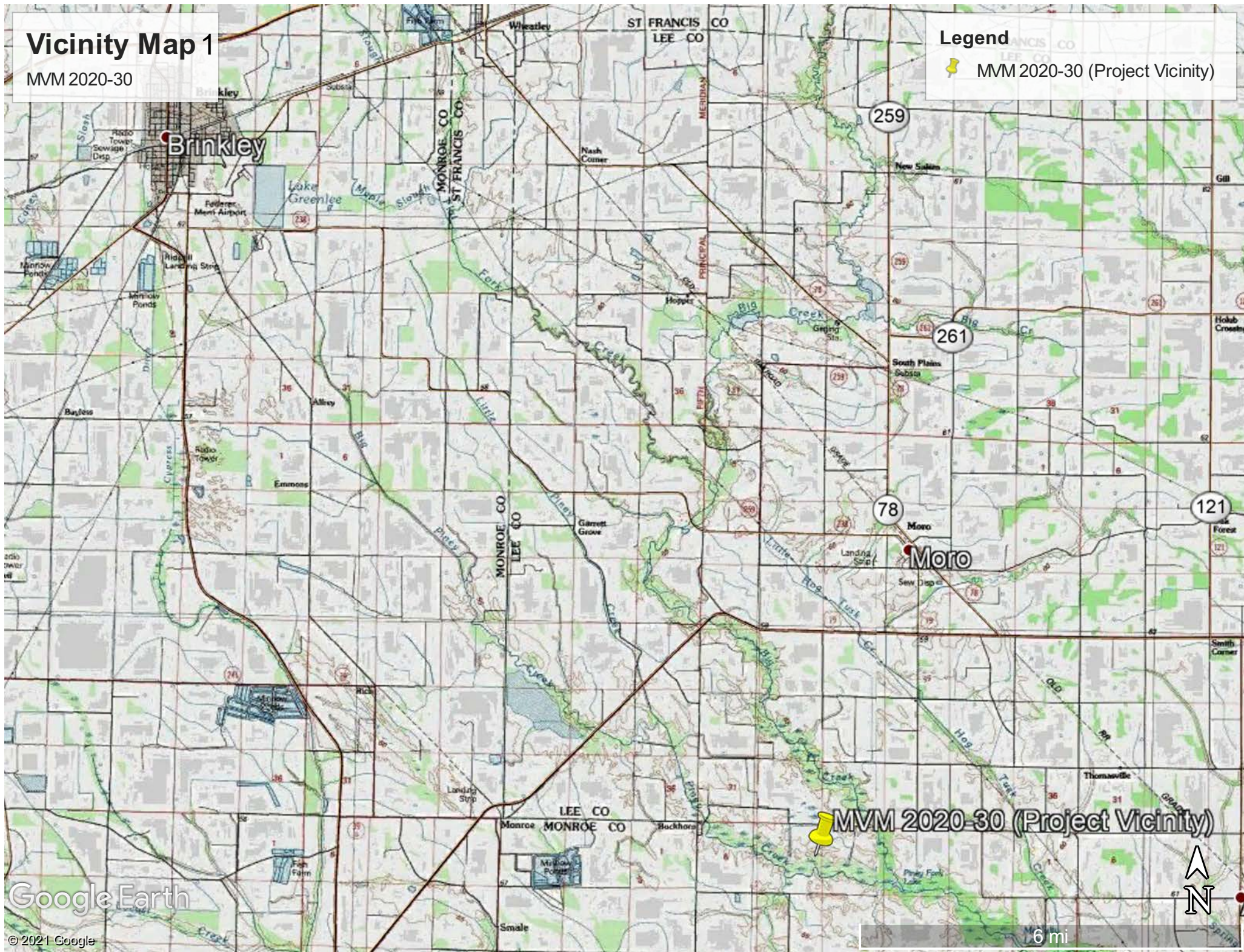
Attachments

Vicinity Map 1

MVM 2020-30

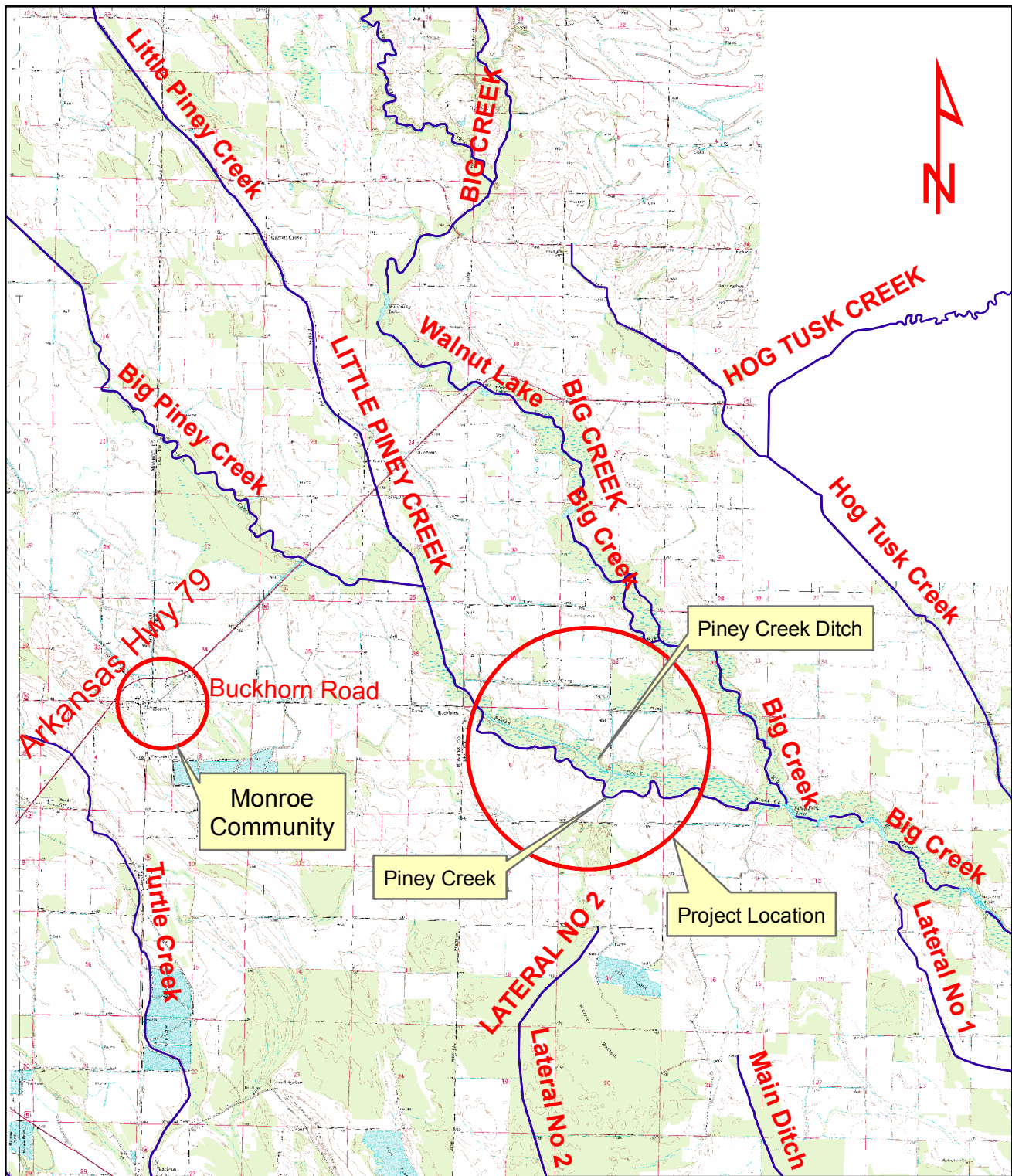
Legend

 MVM 2020-30 (Project Vicinity)



Google Earth

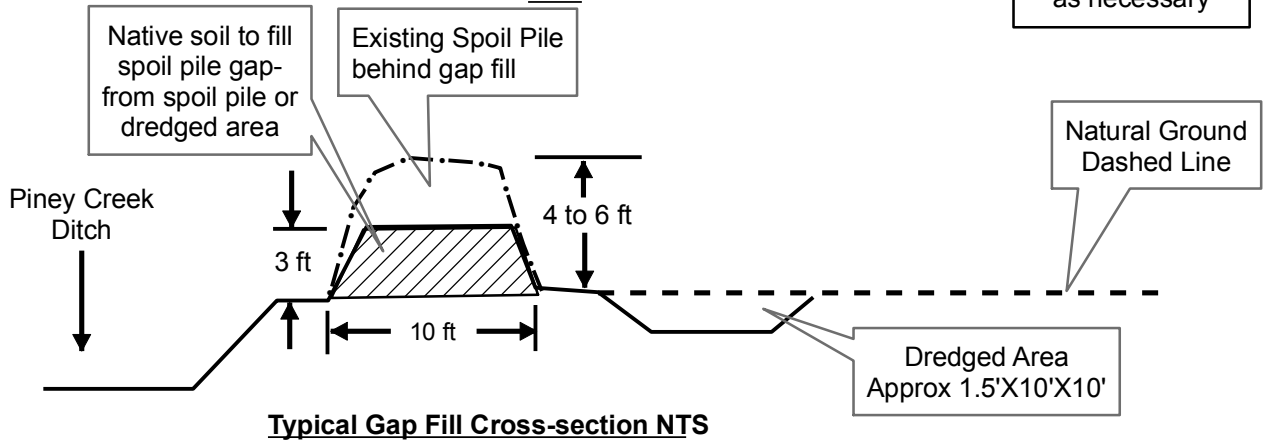
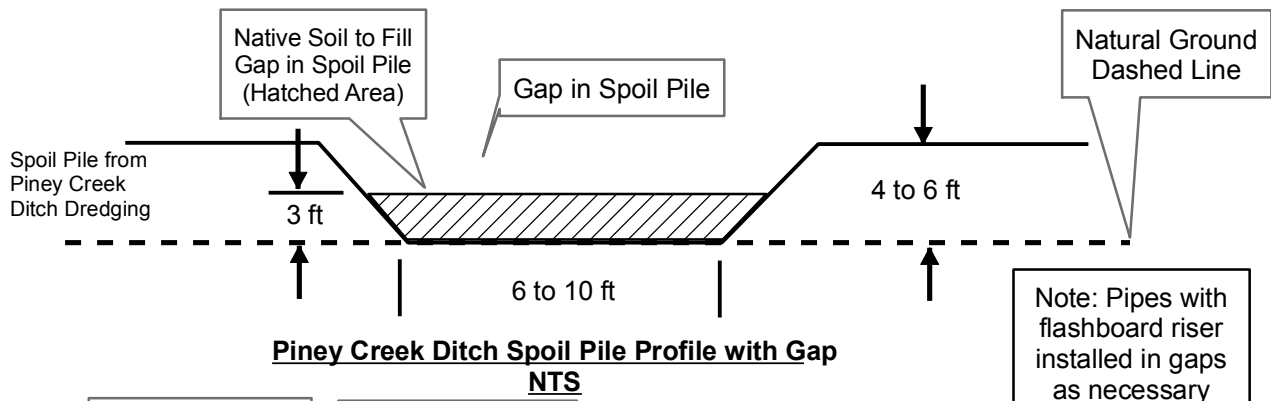
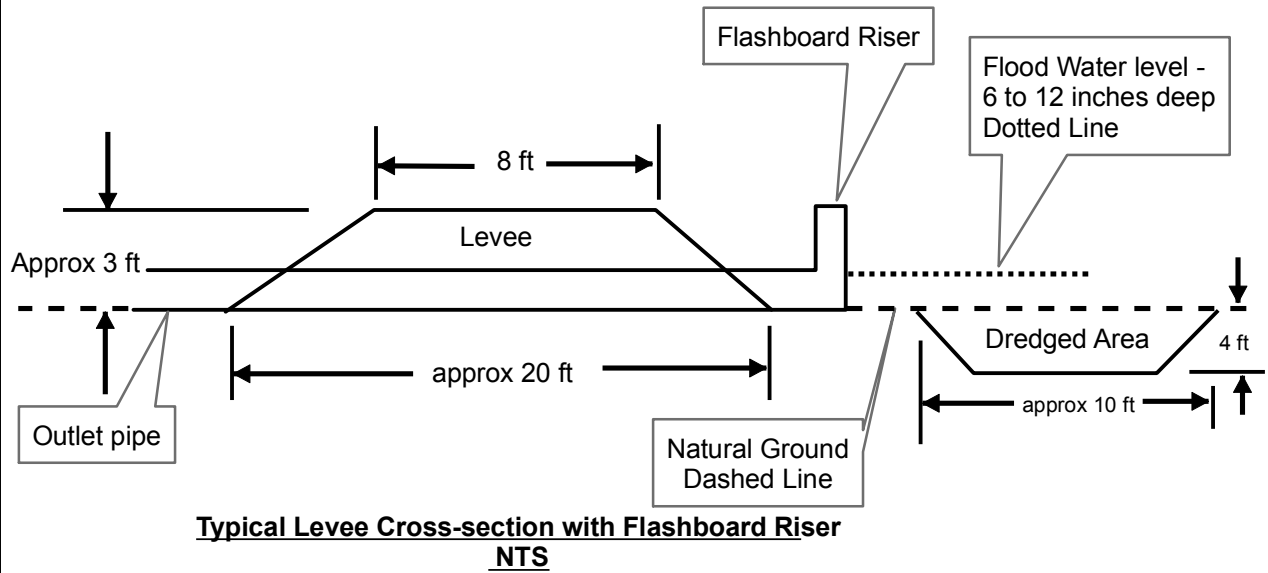
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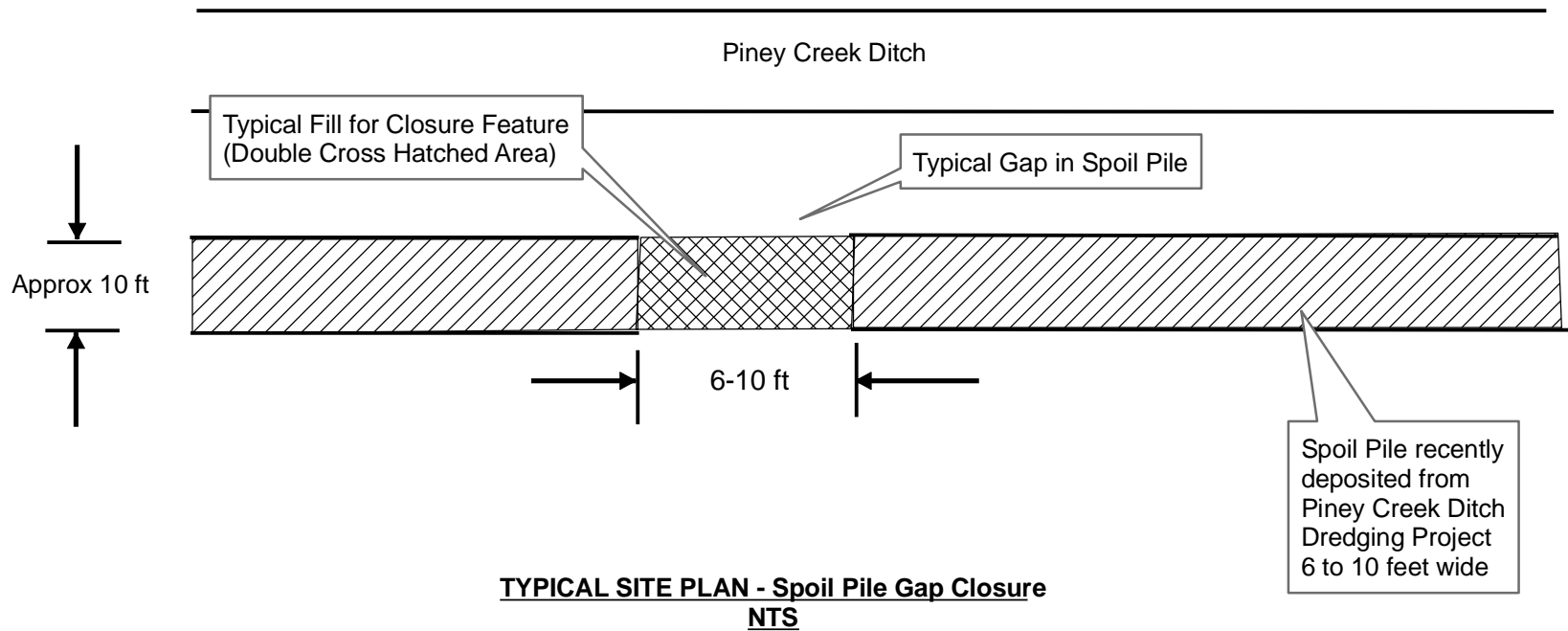


VICINITY MAP 2

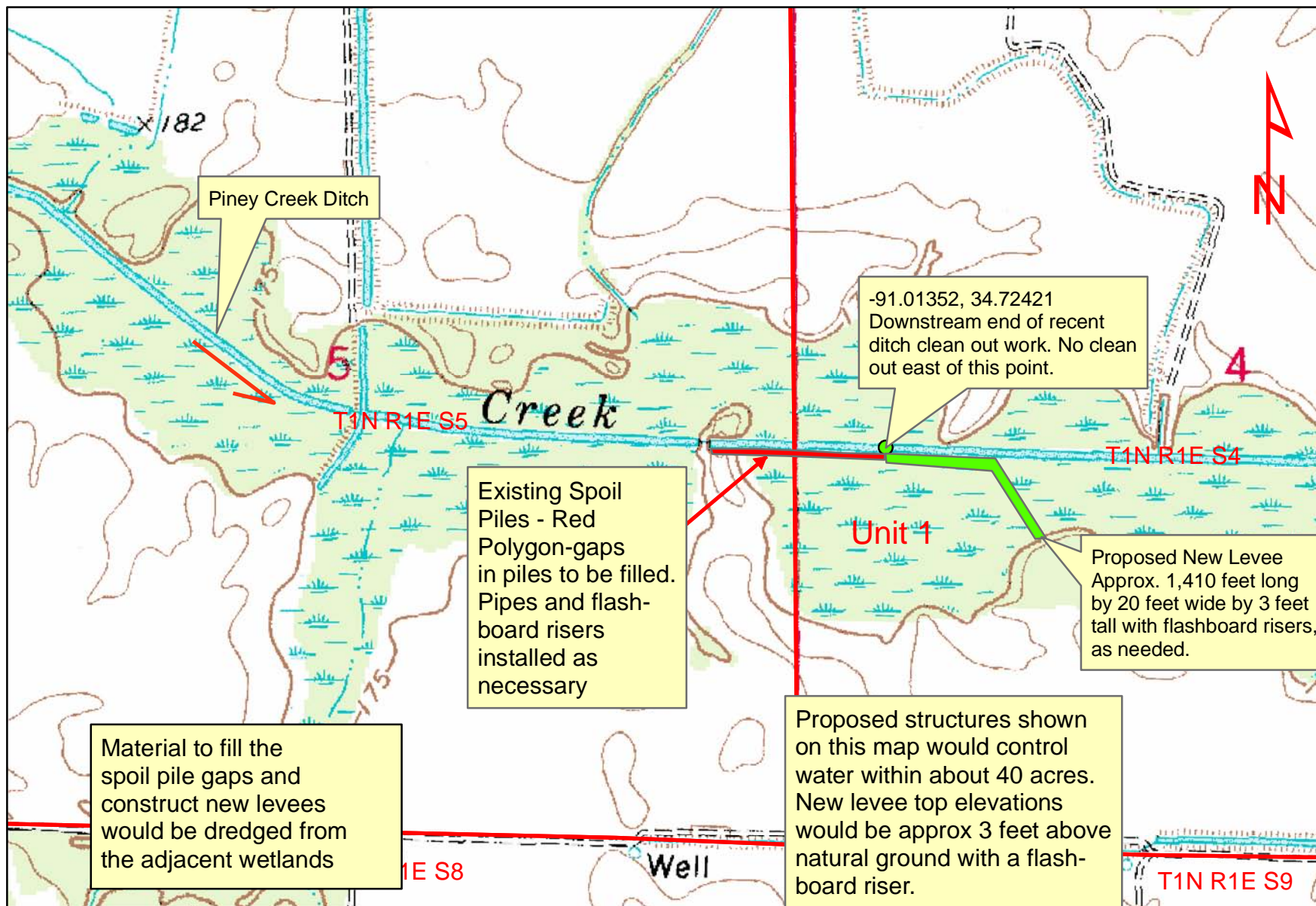
0 0.5 1 2 Miles

Mr. William Anderson
 Proposed Fill in Wetlands
 for water control features
 Section 4 & 5, T 1 N, R 1 E
 Lee County, Arkansas
 March 2021 Sheet 1 of 6



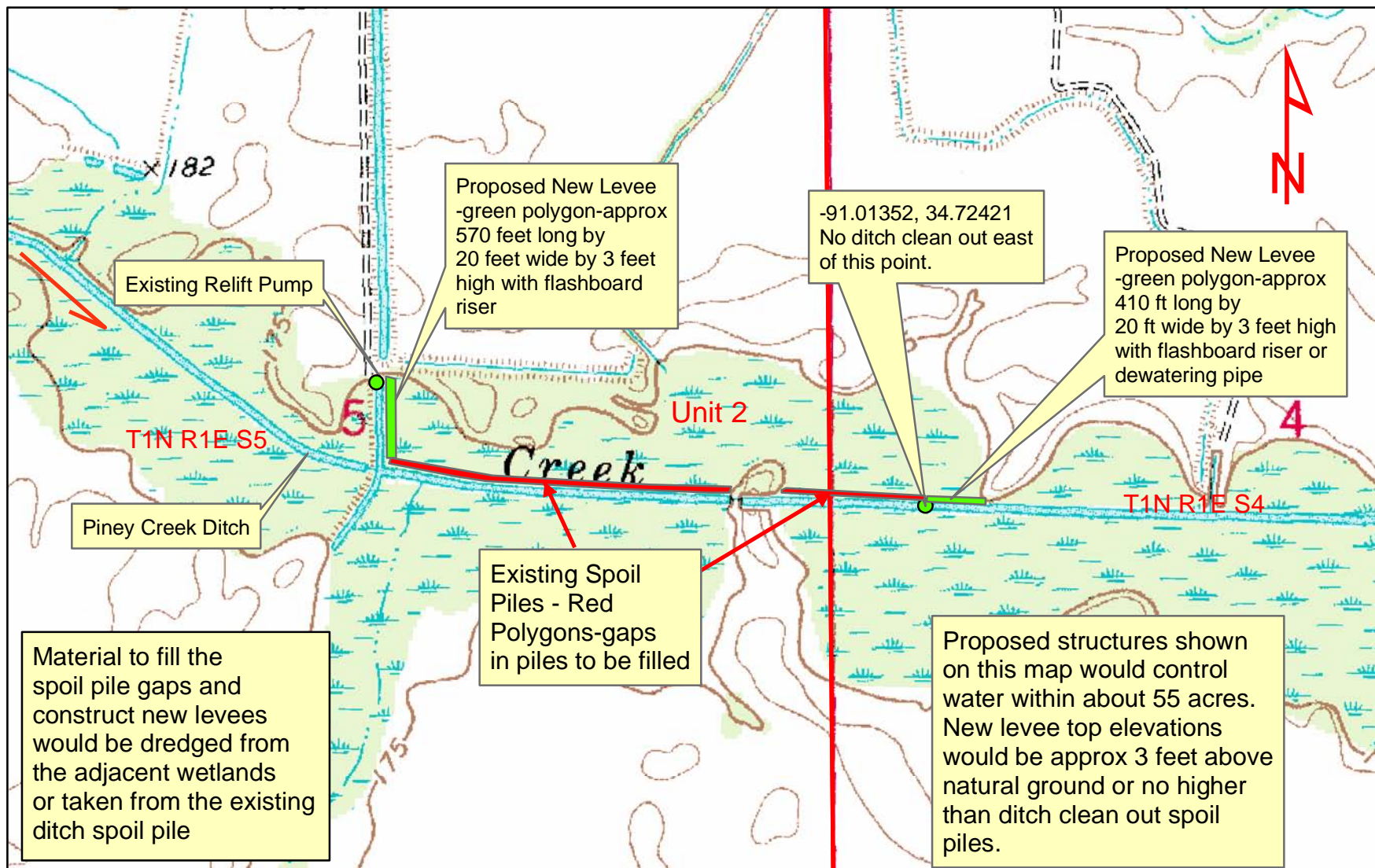


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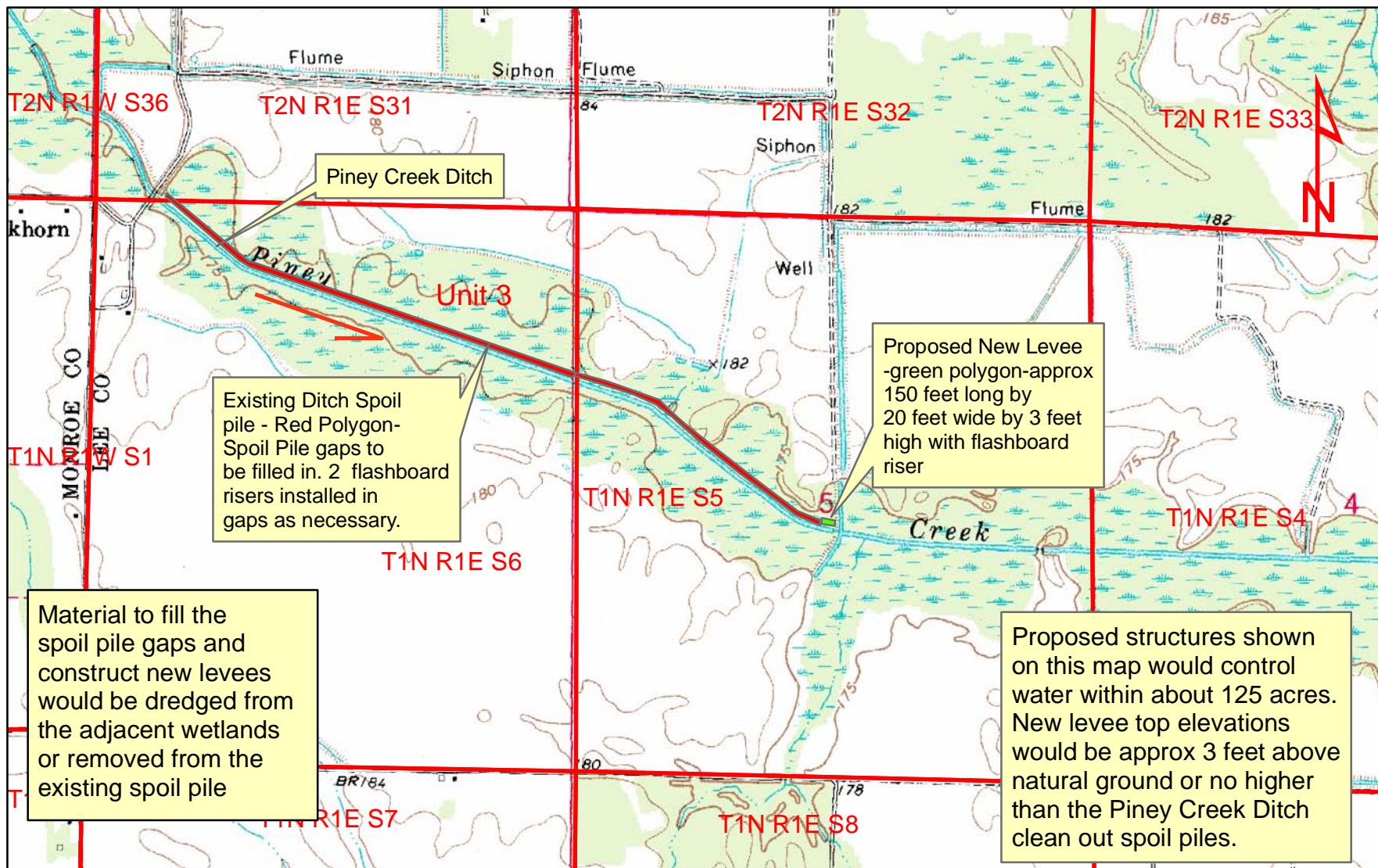
SITE MAP - UNIT 1 - USGS topographic

0 1,000 2,000 4,000 Feet



SITE MAP - UNIT 2 - USGS topographic

0 1,000 2,000 4,000 Feet



SITE MAP - UNIT 3 - USGS topographic

0 1,000 2,000 4,000 Feet