

US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM-2014-311(JKB)**

**NOTICE DATE:**  
**June 1, 2015**

Attn: Postmaster,  
Please Post Until

**EXPIRATION DATE:**  
**June 30, 2015**

## 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:**

Wilson City, LLC  
C/O Will Andrews  
4007 Hillsboro Road, Suite 200  
Nashville, TN 37215  
(615) 298-8001

**AGENT:**

Heath Garner  
Enercon Services, Inc.  
1601 Northwest Expressway, Suite 1000  
Oklahoma City, Oklahoma 73118  
Office Phone: (870) 219-1721

**PURPOSE:** According to the applicant, the purpose of the project is to expand lakefront property for future residential development and community resource improvement. The project is also intended to facilitate the on-going revitalization of the community of Wilson, Arkansas, and enhance the attractiveness of the town for population recruitment.

**LOCATION:** The project site is located in the City of Wilson, Arkansas (Attachment 1). Project work would occur on both sides of Highway 61 in Sections 16 and 17, Township 11N, Range 10E, in Mississippi County, Arkansas, at approximate latitude 35.5737°N and longitude -90.0399°W on the Wilson 7.5 minute quadrangle map (Attachment 2).

**DESCRIPTION OF WORK:** The applicant proposes to expand an existing 5.6-acre pond/lake to 23.3 acres, and reroute associated drainages and streams to improve water management and drainage capabilities. Two (2) ten-foot high earthen dams would be constructed to impound surface water to the desired lake elevation. Approximately 24.4 acres of bottomland hardwood forest area have been cleared without the placement or redistribution of fill into waters of the U.S. Ditch No. 26 (S2) would be cut off from its current flow by the proposed lake expansion. Therefore, S2 would be relocated to flow north along the southeast side of the existing BNSF railroad that parallels Arkansas Highway 61 and intersect with delineated stream 5 (S5). The northwestern reach of intermittent S5 will be filled and diverted from a point approximately 786 feet northwest of Highway 61, through a 3,768 linear foot, concrete-paved channel that will be relocated/combined Stream 5/Ditch No. 26. The concrete channel is already completed but was constructed in non-jurisdictional areas.

Grading and excavation will be required to construct the dams, spillway, and new ditches. Approximately 4,147 cubic yards of soil will be displaced as part of S2 excavation and relocation. This excavated soil will be placed along the adjoining agricultural field edge as an elevated farm access road. The 580 linear-foot north dam construction will require approximately 8,400 cubic yards of fill. The southern dam/levee extension will require 500 cubic yards of fill to retain lake elevations across the existing Ditch No. 26 channel. Soil required for dam

construction will come from the surface of an adjoining prior-converted agricultural field located west of Lake Drive. Construction will be completed using tractors and dirt pans, bulldozers, and track-mounted excavators. A total of 9.7 acres of forested wetlands and 2.1 acres of emergent wetlands would be impacted by the proposed project. A total of 11.4 acres of wetland impacts would result from flooding associated with the proposed dams, while 0.42 acres of wetland impacts would result from fill associated with the proposed dams. Approximately 3,149 linear feet of S2 would be impacted by the proposed project (Attachments 3 and 4).

**AVOIDANCE/MINIMIZATION:** According to the applicant, avoidance of wetland impacts is not possible with the project goals and purpose. Minimization of impacts has been accomplished by stream relocations and combinations to accommodate current watershed discharge and avoid impeding flows. Despite the large impact and large volume of fill, only 3,916± cubic yards of fill will be placed within waters of the U.S. This volume includes all soil and aggregate necessary for construction of both dams. The lake expansion project will primarily result in conversion of aquatic resource types (wetland to deep water habitat). However, approximately 1.6 acres of forested wetlands, and 0.84 acres of emergent wetlands will not experience impacts through fill or impoundment. These features will maintain function as littoral wetland areas along the new lake shoreline.

Where the dams and conversion of use impact waters of the U.S., vegetation clearing will be minimized to the area necessary to achieve target surface water area and ensure engineering integrity of dams that allow safe vehicular travel across the created lake feature. Additionally, the applicant stated storm water discharge permits (NPDES) will be acquired for dam construction and other construction activities, and all best management practices (BMPs) will be implemented to minimize impacts to water quality and surrounding natural resources.

**MITIGATION:** The applicant proposes to mitigate stream impacts through a combination of stream relocation and establishment of riparian buffers. The relocated S5 results in additional linear feet of stream channel within the project area. However, this stream channel is concrete paved, and while it provides/replaces drainage capability, little to no aquatic wildlife habitat will be available within this drainage. The relocated stream segment of S2 will create/replace 1,195.5 linear feet of drainage, and aquatic habitats for the area. Impacts to delineated S2 from conversion to deep water habitat will be offset by the 1,195.5 linear feet stream relocation. This includes excavation of the stream segment and establishment of a 30-foot herbaceous buffer along 2,056.8 linear feet of drainage. This buffer will be along the relocated segment of S2 and extend down the existing southern segment that will not be impacted by the proposed project. The resulting buffer will be 3.0 acres of herbaceous vegetation that will provide sediment filtration for improved water quality and wildlife habitat. Vegetation will be planted including native warm season grasses mixed with cool season grasses to rapidly establish vegetative cover and prevent soil erosion.

The applicant proposes to mitigate wetland impacts (Tyronza River Watershed, HUC# 08020203) off-site. The proposed wetland mitigation site is owned by the applicant and is located approximately 12.5 miles north-northeast of the impact area, inside (east of) the Mississippi River flood control levee (HUC# 08010100). Wetland mitigation will include enhancement of hydrology and planting of bottomland hardwood forest communities on 23 acres of prior-converted farmland. This area will be planted in bare-root bottomland hardwood seedlings on 12-foot centers, establishing 302 trees per acre. This will result in roughly 2:1 mitigation ratio to compensate for unavoidable wetland impacts (Attachment 5).

**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 are no endangered species or critical habitat affected by this proposal. However, this notice is being coordinated with the 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:** A review of the National Register of Historic Places indicated no known resources within the project area. However, the Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally recognized Tribes, and the public in response to this public notice and we may conduct or require a survey of the project area.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and notify this office of any flood plain 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 project. We are not a proponent or 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 the Arkansas Department of Environmental Quality.

Comments may be sent via mail or E-mail to the following:

U.S. Army Engineer District - Memphis  
ATTN: Josh Bright  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [joshua.k.bright@usace.army.mil](mailto:joshua.k.bright@usace.army.mil)  
phone: (901) 544-0926  
fax: (901) 544-0211

State Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
ATTN: Lazendra Hairston  
5301 North Shore Drive  
Little Rock, Arkansas 72118-5317  
E-mail: [hairstonl@adeq.state.ar.us](mailto:hairstonl@adeq.state.ar.us)

The Corps 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: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. 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 Williams  
Chief  
Regulatory Branch

Attachments



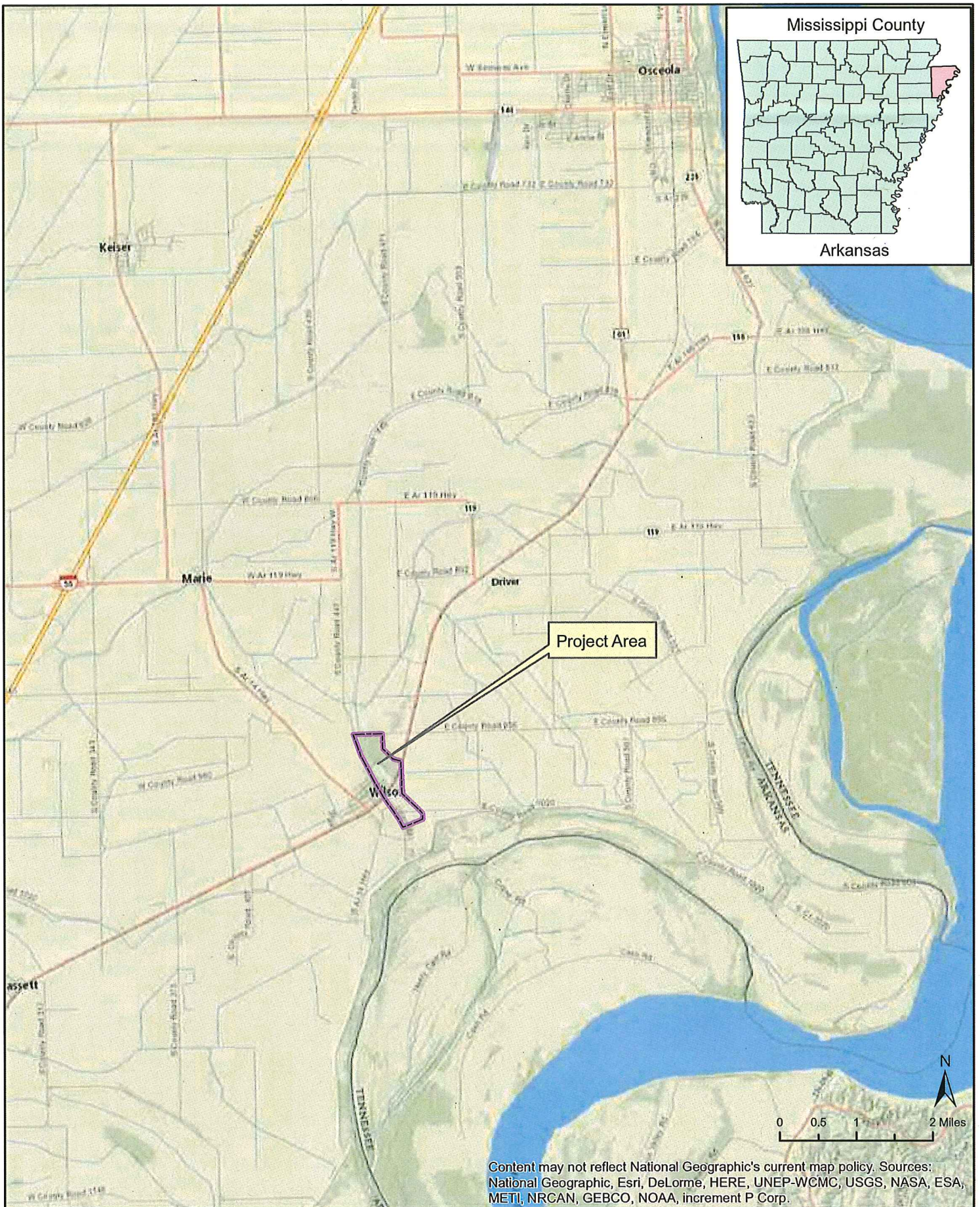


Figure 1. Project Area Vicinity Map



**Wilson City LLC**  
Proposed Lake Expansion Project  
Wilson, Arkansas



*ATTACHMENT 1*



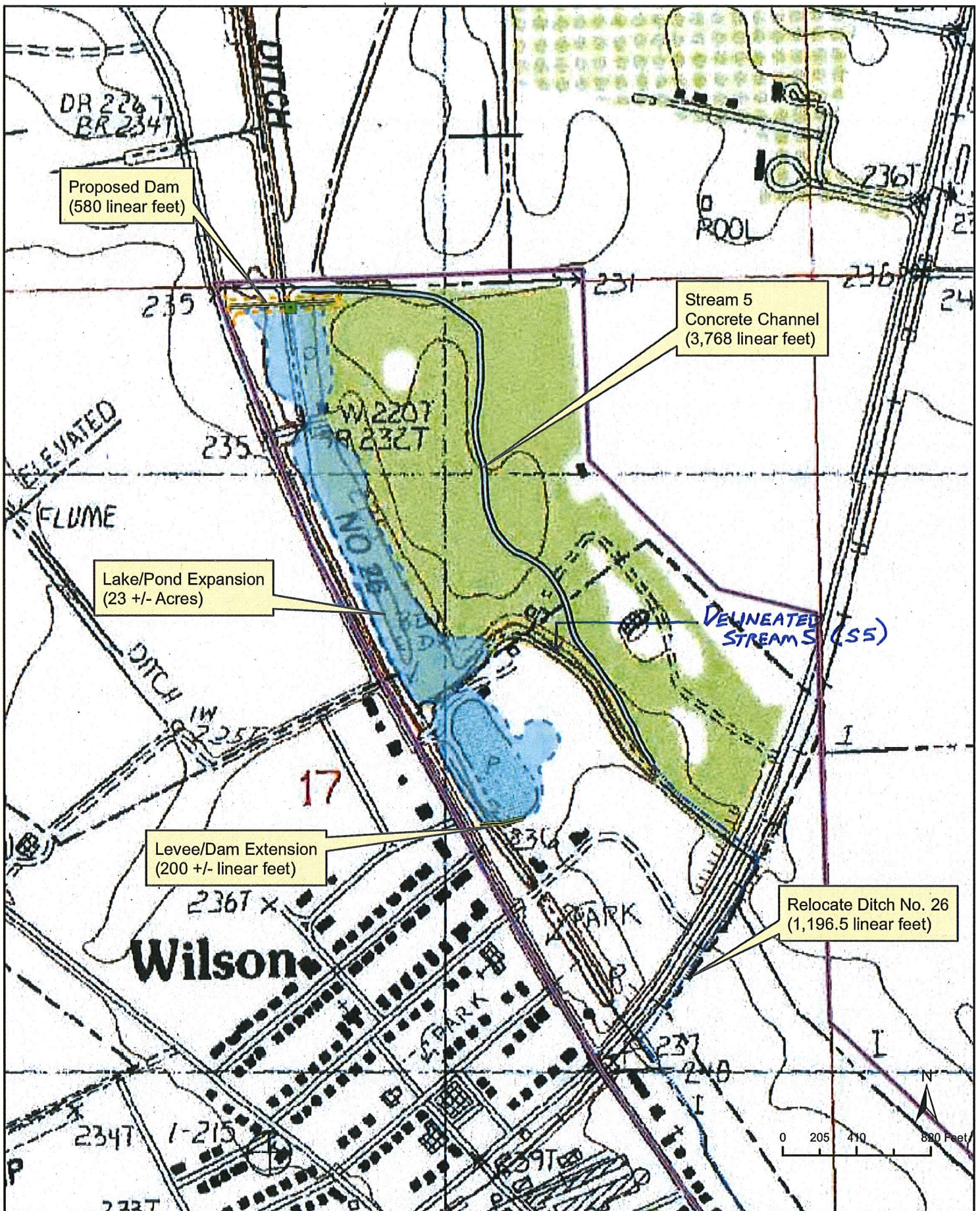
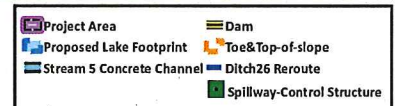


Figure 2. Project Plan Map on  
USGS 7.5-minute topo quadrangle  
**ENERCON**

**Wilson City LLC**  
Proposed Lake Expansion Project  
Wilson, Arkansas



ATTACHMENT 2



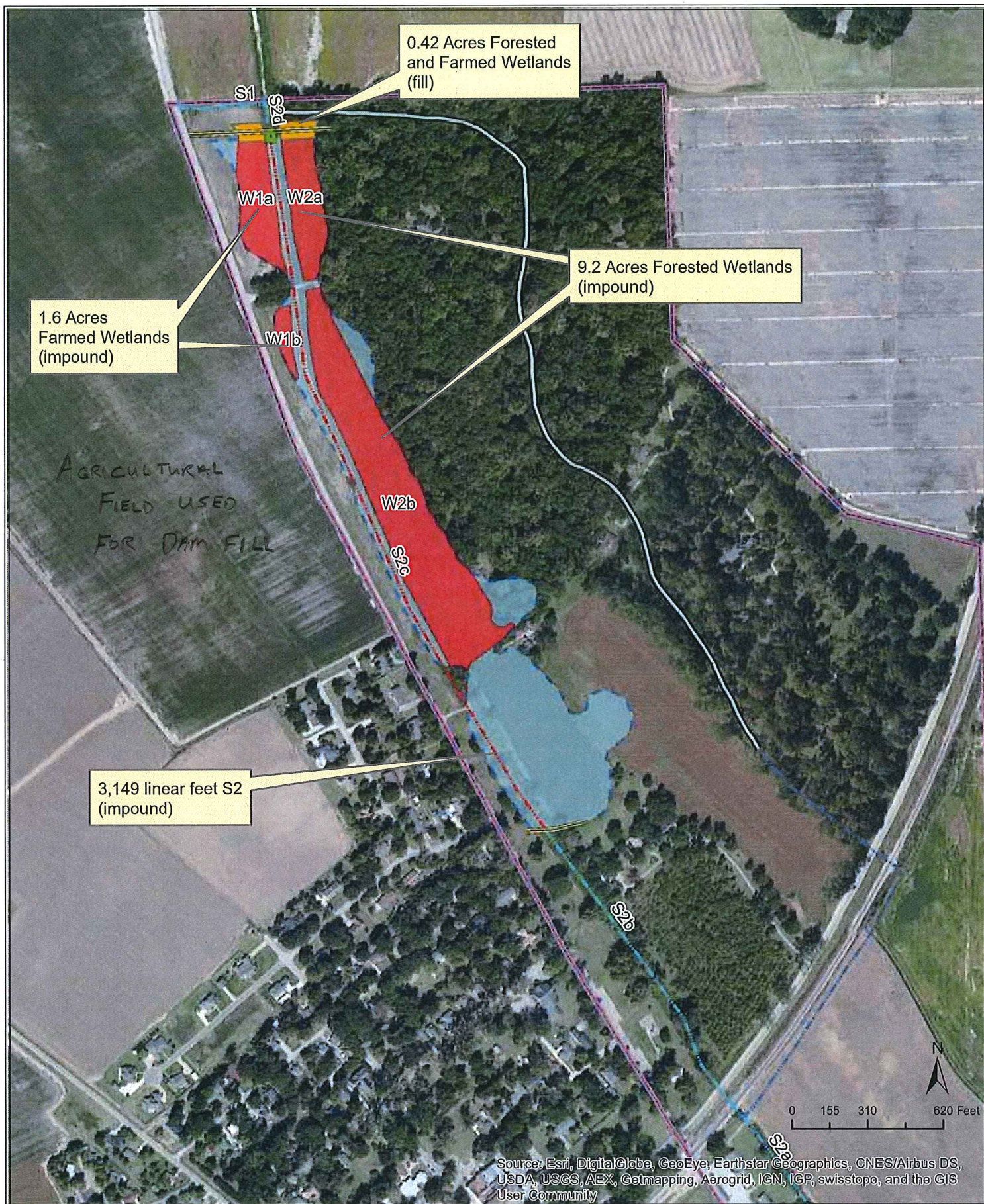


Figure 3. Proposed project wetland and stream impact map on ESRI World Imagery aerial

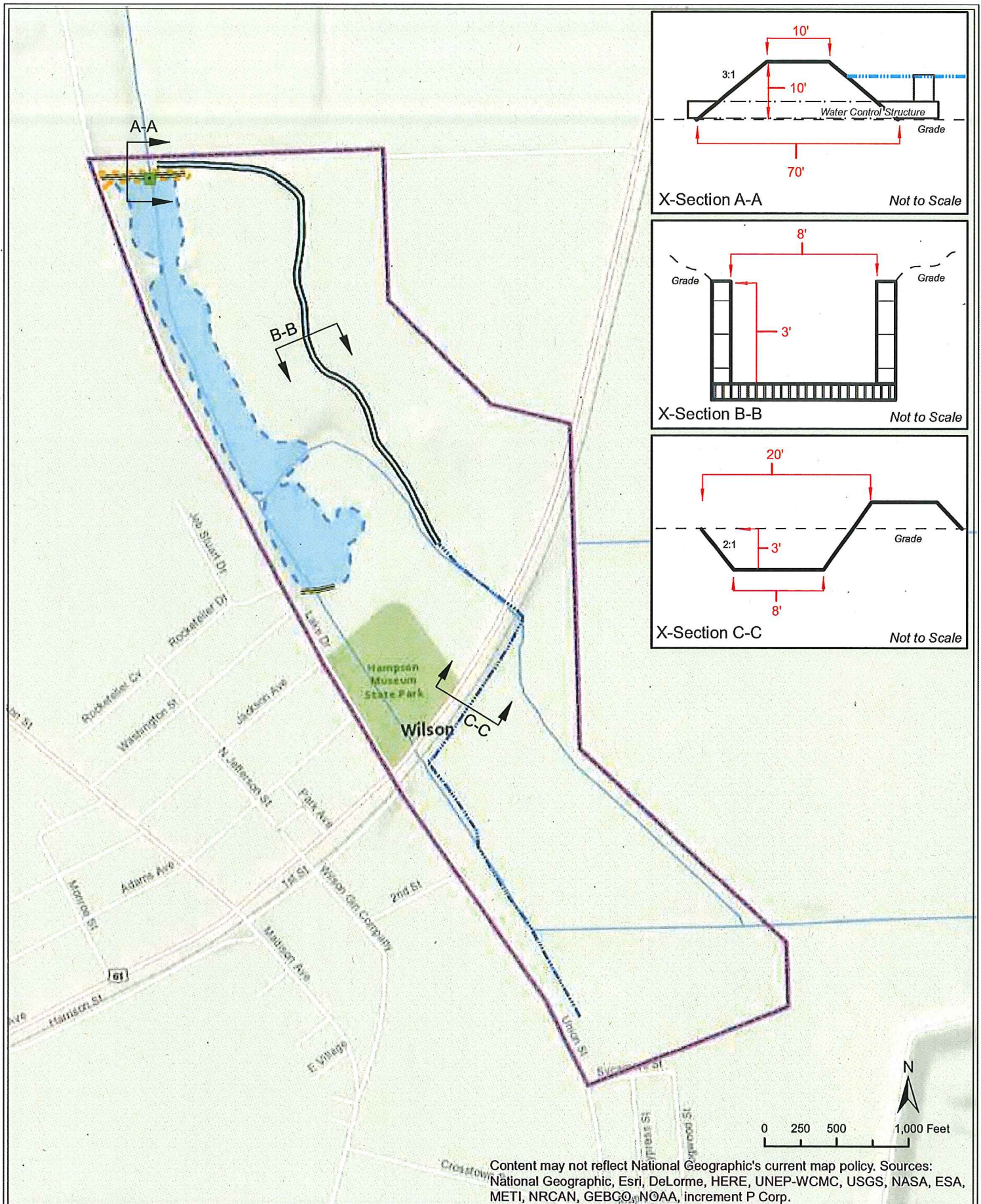


Wilson City LLC  
Proposed Lake Expansion Project  
Wilson, Arkansas

Wetlands-Fill	Spillway-Control Structure	Ditch26 Reroute
Total Wetland Impacts	Proposed Lake Footprint	Stream Impacts
Project Area	Stream 5 Concrete Channel	Impacts
Dam		No Impacts

ATTACHMENT 3





**Attachment A. Project Site Plan  
and Cross Sections**



**Wilson City LLC**  
Proposed Lake Expansion Project  
Wilson, Arkansas

- Spillway-Control Structure
- Stream S Concrete Channel
- Dam
- Dam Footprint
- Ditch26 Reroute
- Proposed Lake Footprint
- Project Area

*ATTACHMENT 4*



