


US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2014-311(JKB)

NOTICE DATE:
August 21, 2015

Attn: Postmaster,
Please Post Until  EXPIRATION DATE:
September 9, 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

NOTE: A public notice for this project was previously issued on June 1, 2015. A new notice is being issued to address unauthorized impacts as well as proposed impacts at the project site.

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 24.6 acres, and reroute associated drainages and streams (labeled S2 and S5 on the attached drawings) to improve water management and drainage capabilities. The following specific activities are proposed or have already been completed:

- 1) Two (2) ten-foot high earthen dams would be constructed to impound surface water to the desired lake elevation. The southern dam has already been constructed across stream 2 (S2).
- 2) Approximately 970 linear feet of S2 has been graded to flow south under Highway 61 and north within a newly excavated channel along the southeast side of the existing BNSF railroad that parallels Arkansas Highway 61. The newly excavated ditch (1,196 linear feet) intersects with delineated stream 5 (S5) upstream of the point that S5 was determined to be jurisdictional. Additionally, the new ditch was constructed in a non-jurisdictional area.
- 3) Approximately 1,182 linear feet of the jurisdictional (downstream) portion of S5 has also been filled. The remaining portion of S5, along with the diverted flow from S2, has been diverted from a point approximately 786

feet northwest of Highway 61, through a 3,768 linear foot, concrete-paved channel that flows into S2 downstream of the proposed northern dam (shown on attachment 2).

4) The concrete channel referenced above is already completed but was constructed in non-jurisdictional areas. Additionally, approximately 24.4 acres of bottomland hardwood forest area have been cleared without the placement or redistribution of fill material into waters of the U.S.

5) The 580 linear-foot northern dam construction will require approximately 8,400 cubic yards of fill. Soil required for the northern dam construction will come from the proposed lake area.

6) 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 dams, while 0.42 acres of wetland impacts would result from fill associated with the dams. Approximately 3,560 linear feet of S2 would be impacted by the proposed lake in addition to the 970 linear feet of current impacts (Attachment 3: Wetland and Stream Impacts).

AVOIDANCE/MINIMIZATION: According to the applicant, avoidance of wetland impacts is not possible with the project goals and purpose. 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 be impacted by 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 to 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, in-stream detention weirs, sediment removal, field drop-pipe installation, and establishment of riparian buffers (see Attachment 4). 1) The relocated segment of S2 creates 1,196 linear feet of drainage and aquatic habitat for the area. A 30-foot riparian buffer will be established along both sides of the relocated segment of S2 and extend upstream along the existing southern segment of S2 that will not be impacted by the proposed project. The buffer will be a mixture of native grasses along the newly relocated stream segment and trees along the northeastern side of the segment of S2 that will not be impacted by the proposed project. 2) A 30-foot forested buffer will be established on the southern side of stream 7 (S7), creating a total of 2.5 acres of forested riparian buffer along 2,037 linear feet of stream. 3) 30-foot native grass herbaceous buffers will be established along Stream 6 (S6), the northern portion of S7, and stream 8 (S8) to help stabilize stream banks, filter sediment and nutrients, provide wildlife and pollinator habitat, and remain compatible with local farming activities. The total native grasses buffer area will be 10.7 acres along 6,974 linear feet of stream. 4) Sediment removal will take place along all three mitigation stream reaches to remove sediment deposits. Two weirs (one in each) will be established within S6 and S8 to reduce stream flow rates after storm events, reduce sediment transport downstream, and create a longer hydroperiod within these streams reaches to promote aquatic habitat and reduce head-cutting with the stream channels. Three drop-pipe structures will be installed along the southwestern side of S7 to further reduce field erosion and sediment inputs into the watershed. The proposed stream mitigation will result in a total of 9,014 linear feet of stream channel enhancement (Attachment 4). 5) 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 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 28 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 (Attachments 4 and 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 the proposed activity will not affect listed endangered species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

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. In response to the original public notice for this project, the Corps has requested that a Phase I Cultural Resources Survey be conducted. The agent has noted that a contract for a Phase I Cultural Resources Survey has been coordinated.

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
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

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