

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2019-201

NOTICE DATE:
February 27, 2020

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **March 27, 2020**

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 10 of the Rivers and Harbors Act. The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers federally authorized civil works project is contained in Section 14 of the Rivers and harbors Act of 1899 and codified in 33 USC 408.

APPLICANT:

Kenneth L. Rose
1724 Galaxy Drive
Jacksonville, Arkansas 72076

AGENT:

Chris D. Baxter
CDB Land Company, Inc.
605 Akel Road
Cabot, Arkansas 72023

PURPOSE: According to the applicant, the purpose of this project is to construct a parking slip for a boat.

LOCATION: The project site is located along the right descending bank of the White River at approximate river mile 113.5 at 34.7452°N, -91.3901°W, in Prairie County, Arkansas (Attachments 1 & 2).

DESCRIPTION OF WORK: A prefabricated 22 foot by 26 foot floating boat dock will be anchored to the bank along Mr. Rose's property. A 1/2 inch cable will be attached to each corner of the dock and each cable will be anchored to a steel pipe driven into the shore (Attachment 3). The Corps of Engineers is also reviewing the project under Section 14 of the Rivers and Harbors Act to ensure that the activity would not be injurious to the public interest and would not impair the usefulness of the White River project, part of the Mississippi River and Tributaries system, a federally authorized civil works project the applicant is proposing to alter.

AVOIDANCE/MINIMIZATION: No road work, excavation, or tree clearing is proposed.

MITIGATION: No mitigation has been proposed for this project.

ENDANGERED SPECIES: This notice is being coordinated with the USFWS. The Eastern Black Rail (*Laterallus jamaicensi*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*), and Pondberry (*Lindera melissifolia*) are known to inhabit this region. Any comments USFWS, or other interested parties, may have regarding these or other endangered or threatened species or their critical habitat, will be considered in our evaluation of the described work. However, it is our determination that the proposed project will not affect these species.

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 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 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 and Section 408 permissions 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: Damon McDermott
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: robert.d.mcdermott@usace.army.mil
Phone: (901) 544-0732 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:

<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

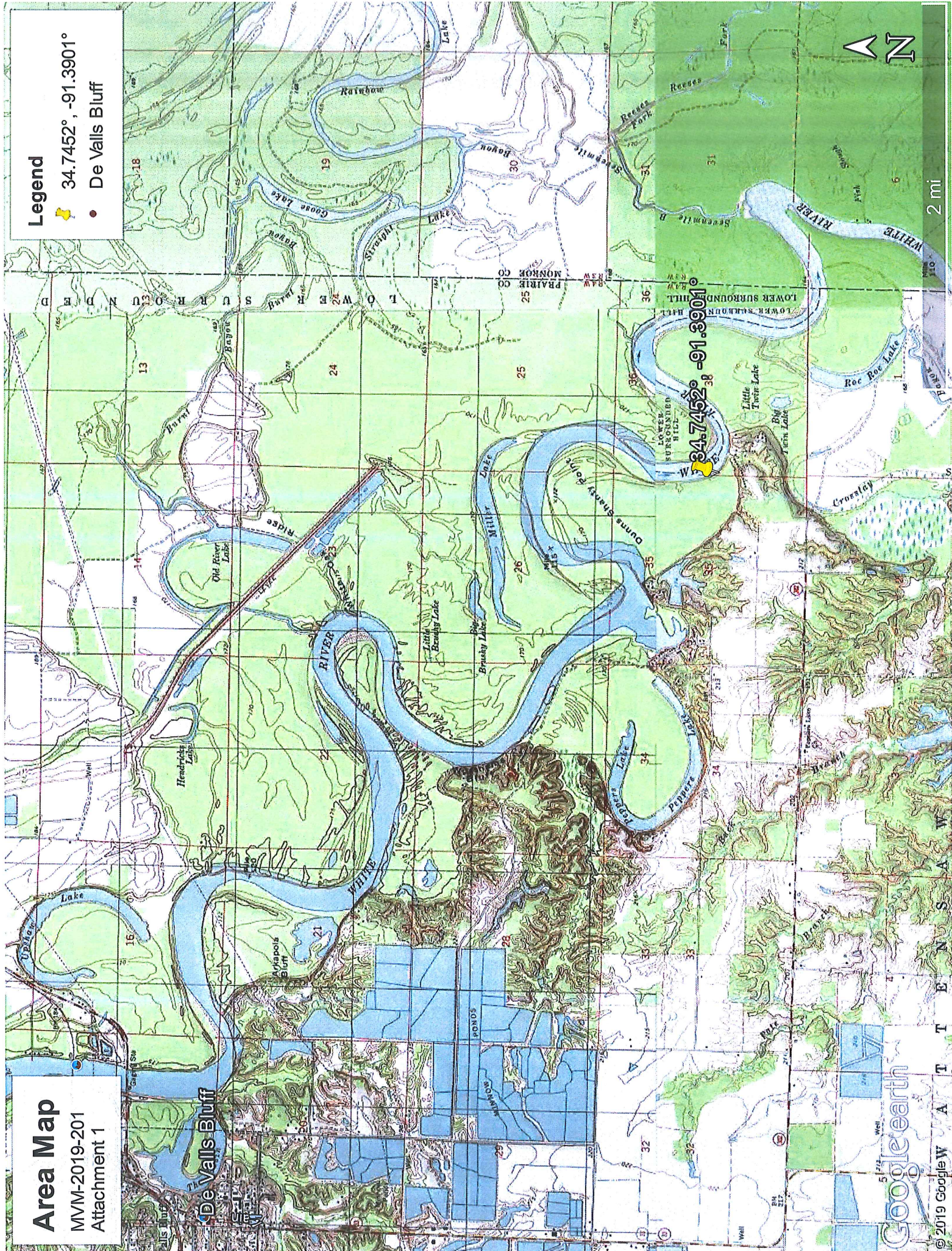
Attachments

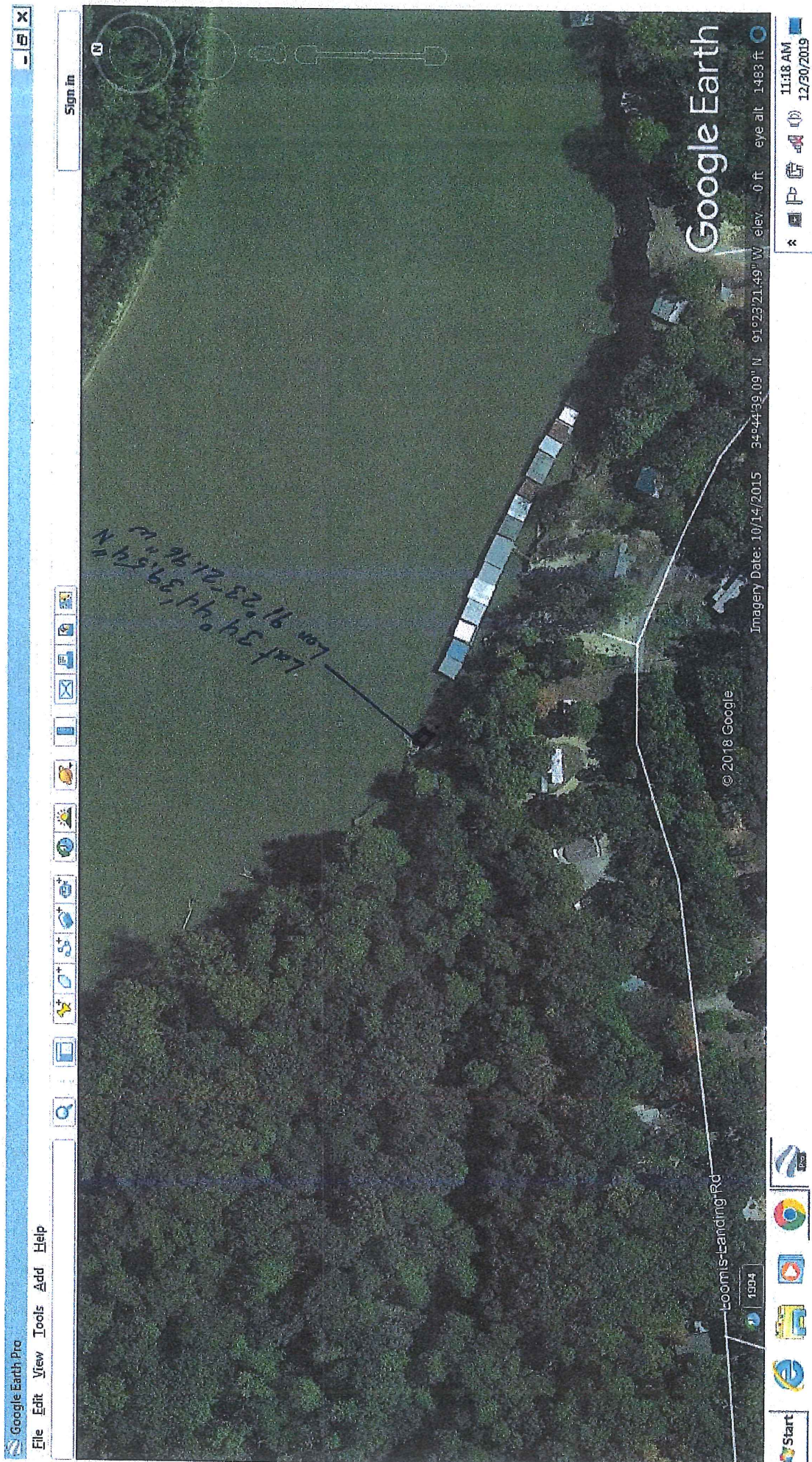
Area Map

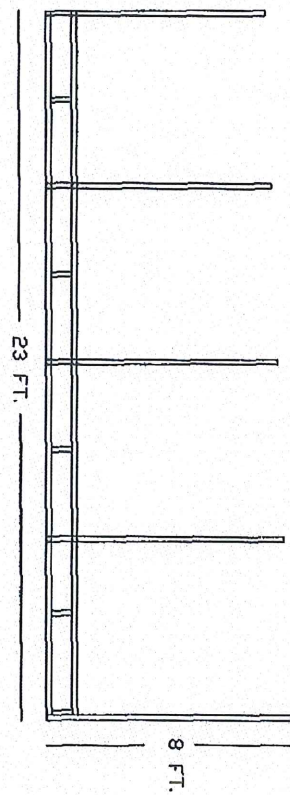
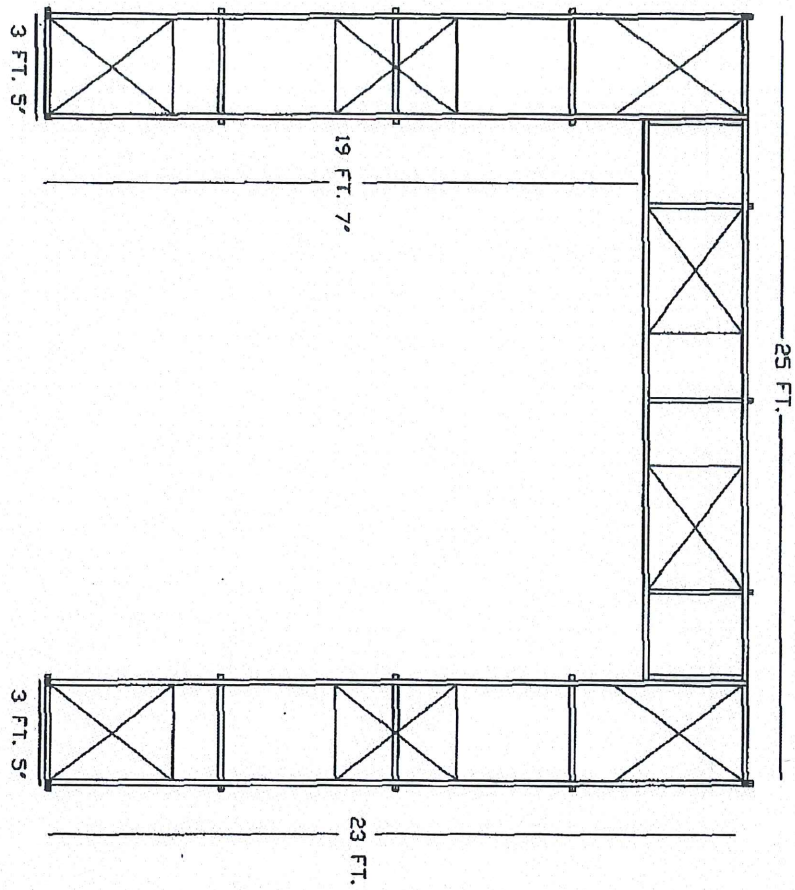
MVM-2019-201
Attachment 1

Legend

-  34.7452°, -91.3901°
-  De Valls Bluff







Deck will be constructed with
2 inch steel square tubing