



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2014-179(JKB)

NOTICE DATE:
April 21, 2016

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **May 21, 2016**

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 an after-the-fact Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT:

Steve Williamson
Big Creek Partners
9169 HWY 70
Brinkley, Arkansas 72021
(870) 734-6160

AGENT:

David Fowlkes
Cypress Tree Environmental Consulting, LLC
608 Scotch Pine Drive
Jonesboro, Arkansas 72404
Office Phone: (870) 219-4450

NOTE: This public notice addresses unauthorized impacts associated with new ditch construction at the project site.

PURPOSE: According to the applicant, the purpose of the project was to construct three new ditches and utilize these ditches to capture and store excess surface water for irrigating adjacent cropland.

LOCATION: The project site is located approximately 1.5 miles north of Goodwin, Arkansas. The project work has occurred in Sections 8 and 17, Township 4N, Range 1E, in St. Francis County, Arkansas, at approximate Latitude 34.9710°N and Longitude -91.0221°W on the Wheatley 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant has constructed three new ditches that total approximately 3,802 linear feet (Attachment 2). These new ditches cut off three segments of the original meandering Big Creek and replaces them with three straightened segments. Each ditch was dug approximately 7 feet deep with a 12 foot bottom and 1.5:1 side slopes (Attachment 3). The impact area for the new ditches is approximately 60-foot wide and totals 5.2 acres of direct impacts to wetlands. The wetland impact sites consisted mostly of broadleaf cattails (*Typha latifolia*), yellowfruit sedge (*Carex annectens*), Pennsylvania smartweed (*Polygonum pennsylvanicum*), and alligator weed (*Alternanthera philoxeroides*). Sediment and beaver dams were removed in other portions of Big Creek. However, according to the applicant, existing spoil piles were used for the placement of the dredged material. The applicant proposes to perform maintenance on these ditches as necessary to maintain the existing dimensions.

AVOIDANCE/MINIMIZATION: According to the applicant, the sites were chosen and the ditches were constructed in such a way as to minimize adverse impacts to wetlands. The applicant also stated that the wetlands may transition from semi-permanently flooded to more seasonally flooded.

MITIGATION: The applicant proposes to mitigate direct wetland impacts to approximately 5.2 acres with the restoration of 10.4 acres of bottomland hardwoods. The 10.4 acre mitigation site is directly adjacent to the project in Section 8, Township 4N, Range 1E (Attachment 4).

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.

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 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 Corps of Engineers – Memphis District
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

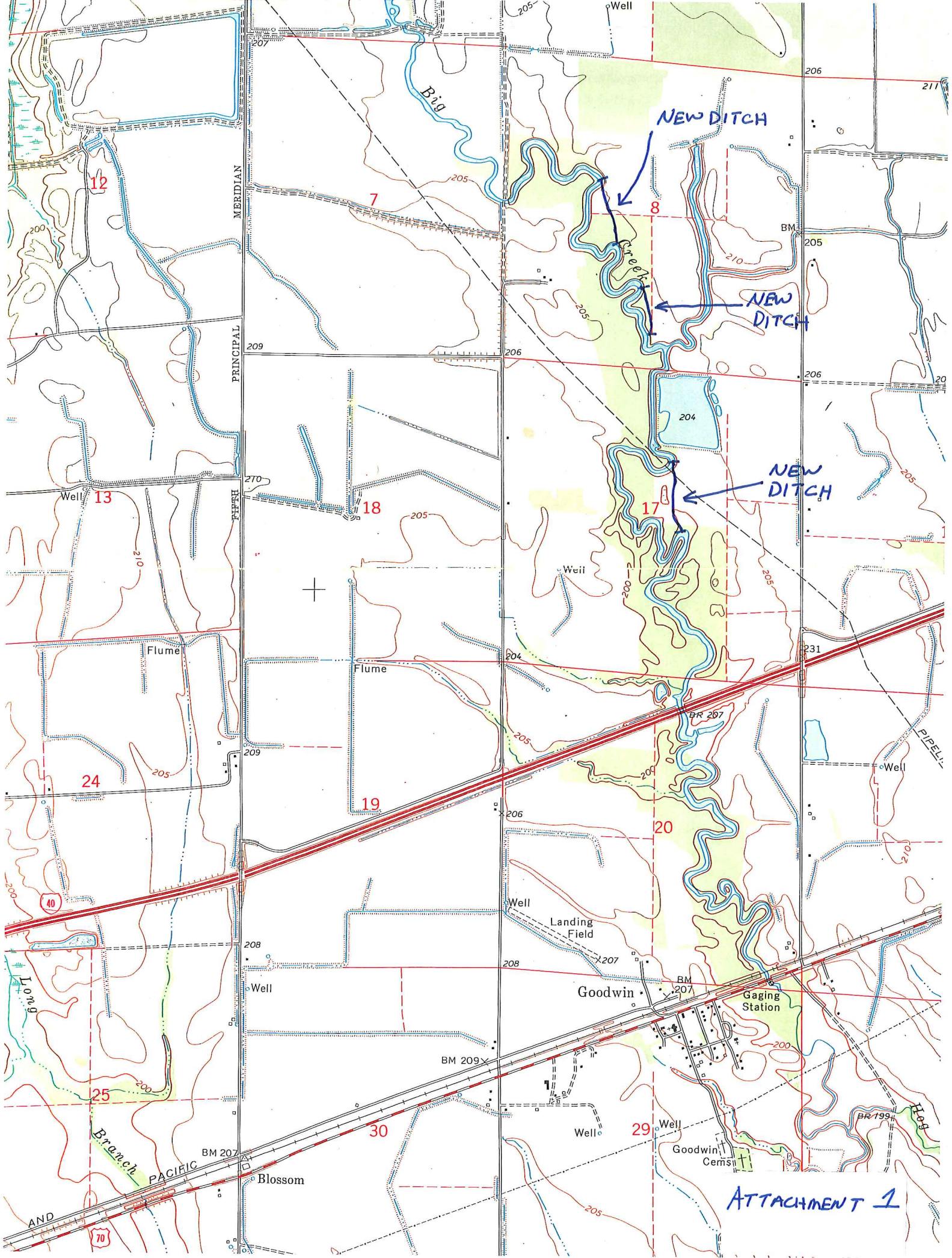
The Corps of Engineers may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments must be received by the expiration date listed on page one of this notice.

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.



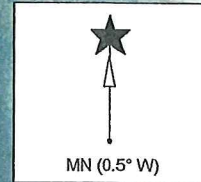
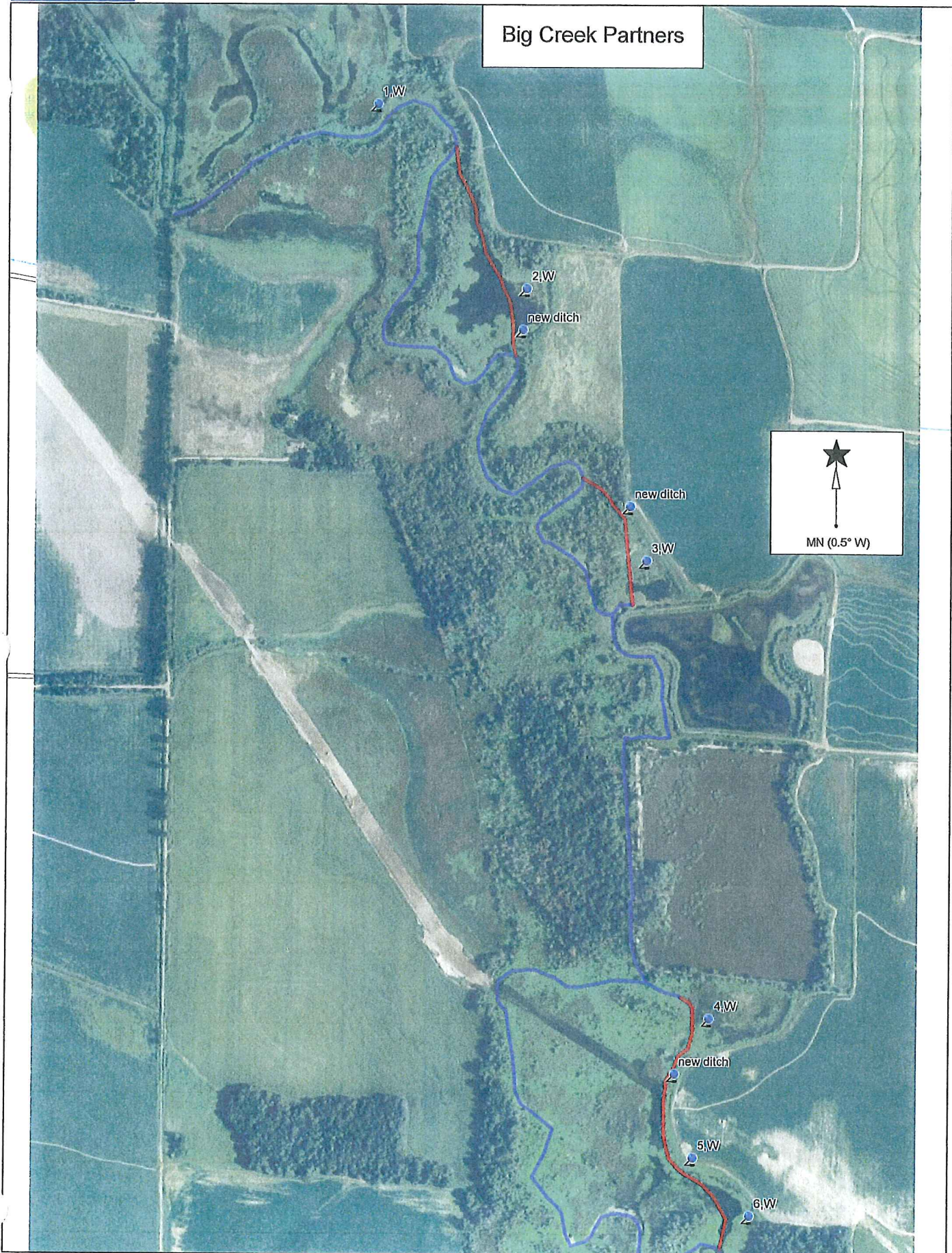
Gregg Williams
Chief
Regulatory Branch

Attachments



ATTACHMENT 1

Big Creek Partners

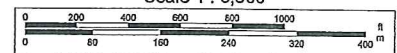


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Scale 1 : 8,800



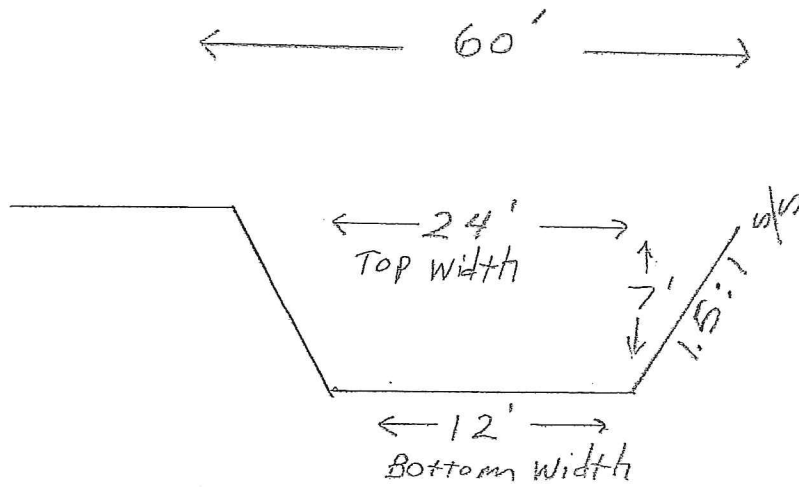
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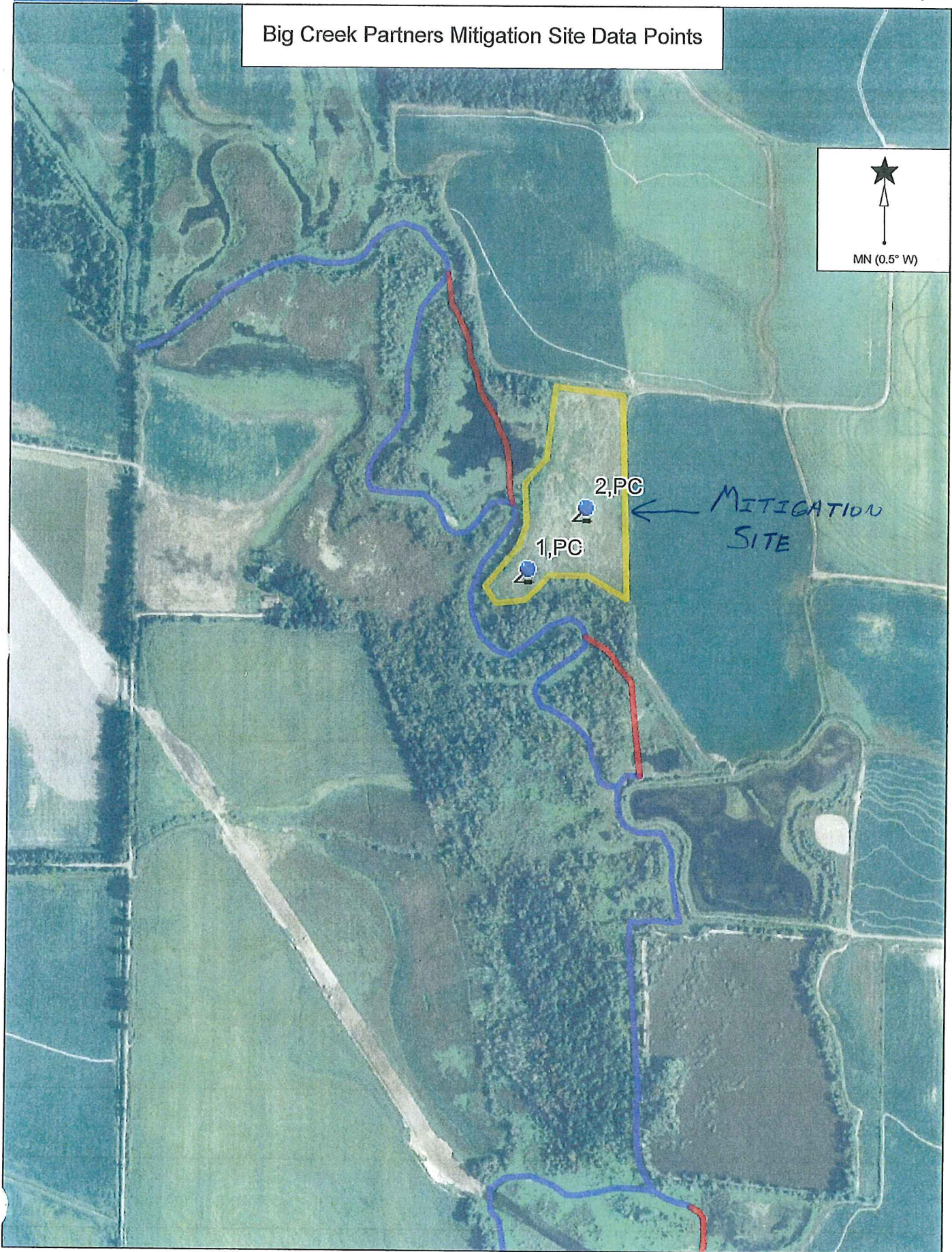
ATTACHMENT 2

Block 18

Big Creek Partners Typical Cross Section



Big Creek Partners Mitigation Site Data Points

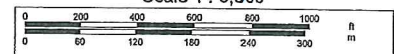


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Scale 1 : 8,000



1" = 666.7 ft

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ATTACHMENT 4