

US Army Corps  
of Engineers  
Memphis District

# Public Notice

FILE NUMBER: MVM-2014-104 (RDM)

NOTICE DATE:  
September 12, 2014

Attn: Postmaster,  
Please Post Until  EXPIRATION DATE:  
October 12, 2014

**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:**  
Brad Caviness  
Caviness Farms  
P.O. Box 441  
Hazen, Arkansas 72064

**AGENT:**  
David H. Fowlkes  
Cypress Tree Environmental Consulting, LLC  
608 Scotch Pine Drive  
Jonesboro, Arkansas 72404

**PURPOSE:** The applicant is proposing to mechanically clear approximately 18.5 acres of wooded wetland for the purpose of agricultural crop production.

**LOCATION:** The project is located in Section 6, Township 2N, and Range 6W in Prairie County, Arkansas, at approximate latitude 34.819887°N and longitude -91.677041°W on the Carlisle, AR 7.5 minute quadrangle map (Figure 1, Attached).

**DESCRIPTION OF WORK:** The applicant proposes to mechanically clear approximately 18.5 acres of wooded wetland for agricultural crop production. The 18.5 acres of wetlands were delineated out of an approximately 22.5-acre wooded tract (Figure 2, Attached). The wooded tract consists primarily of young but maturing bottomland hardwoods that are approximately 10-14 inches in diameter at breast height on average. Dominant tree species consist primarily of Willow Oak (*Quercus phellos*), American Elm (*Ulmus americana*), and Green Ash (*Fraxinus pennsylvanica*). The applicant proposes to clear the tract based on the site's potential to become farmland. The site has favorable soil and water resources for crop production and would require minimal grading. The site would be incorporated into an adjacent field that has an existing irrigation well (Figure 2, Attached).

**AVOIDANCE, MINIMIZATION, & COMPENSATION:** The applicant proposes to mitigate the loss of wetland functions and services at a 2:1 ratio by restoring 37 acres of Prior Converted (PC) cropland to bottomland hardwoods. The PC cropland is located on two sites. The first site is located in Section 9, Township 2N, and Range 6W at approximate latitude 34.830166°N and longitude -91.636263°W. This site is approximately 13 acres in sized and is comprised of fish ponds abutting Johnson Branch (Figures 1 & 3, Attached). The second site is located in Section 3, Township 2N, and Range 6W at approximate latitude 34.808870°N and longitude -91.655421°W. This site is approximately 24 acres in size and is currently in crop production (Figures 1 & 4, Attached). The applicant proposes to plant a mix 302 trees per acre of bottomland hardwood trees species on the mitigation sites.

**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:** No Threatened, Proposed for Listing, or listed Endangered Species or their critical habitat are known to exist on the site. However, Pondberry (*Lindera melissifolia*) is listed as endangered and known to occur in Prairie County, Arkansas. 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:** 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 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 and Arkansas Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

U.S. Army Engineer District-Memphis  
ATTN: Damon McDermott  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [robert.d.mcdermott@usace.army.mil](mailto:robert.d.mcdermott@usace.army.mil)  
phone: (901) 544-0732  
fax: (901) 544-0211

Mark Hathcote  
State Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
5301 North Shore Drive  
Little Rock, Arkansas 72118-5317  
E-mail: [hathcote@adeq.state.ar.us](mailto:hathcote@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 should be received by the expiration date listed on page one of this notice.

**FOR FINAL INDIVIDUAL PERMIT 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

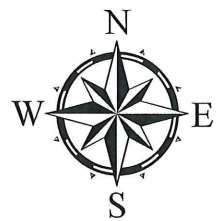
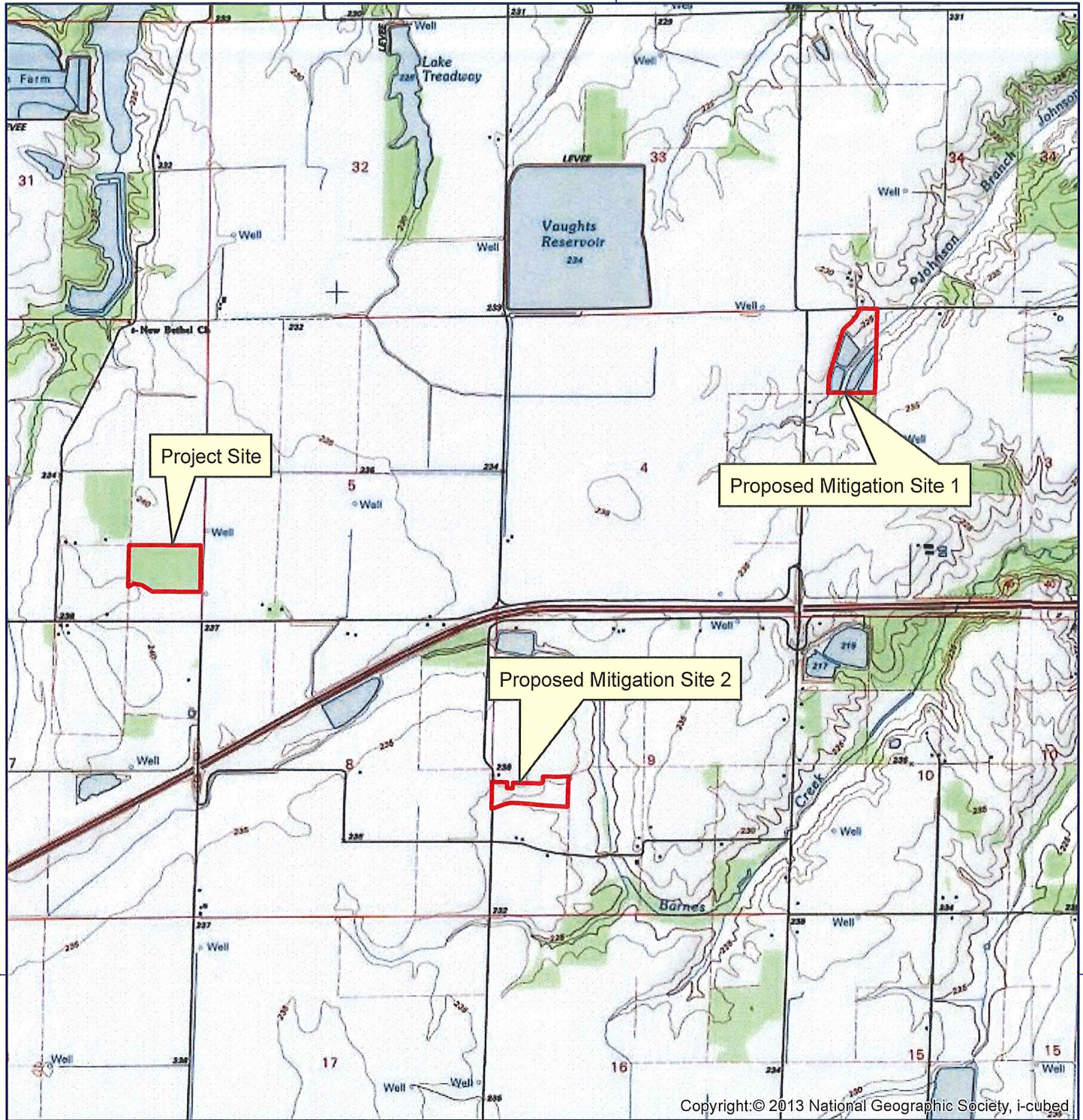
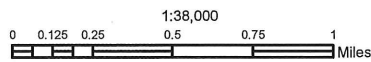
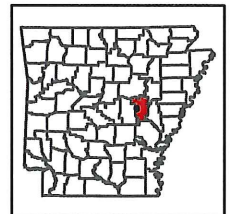


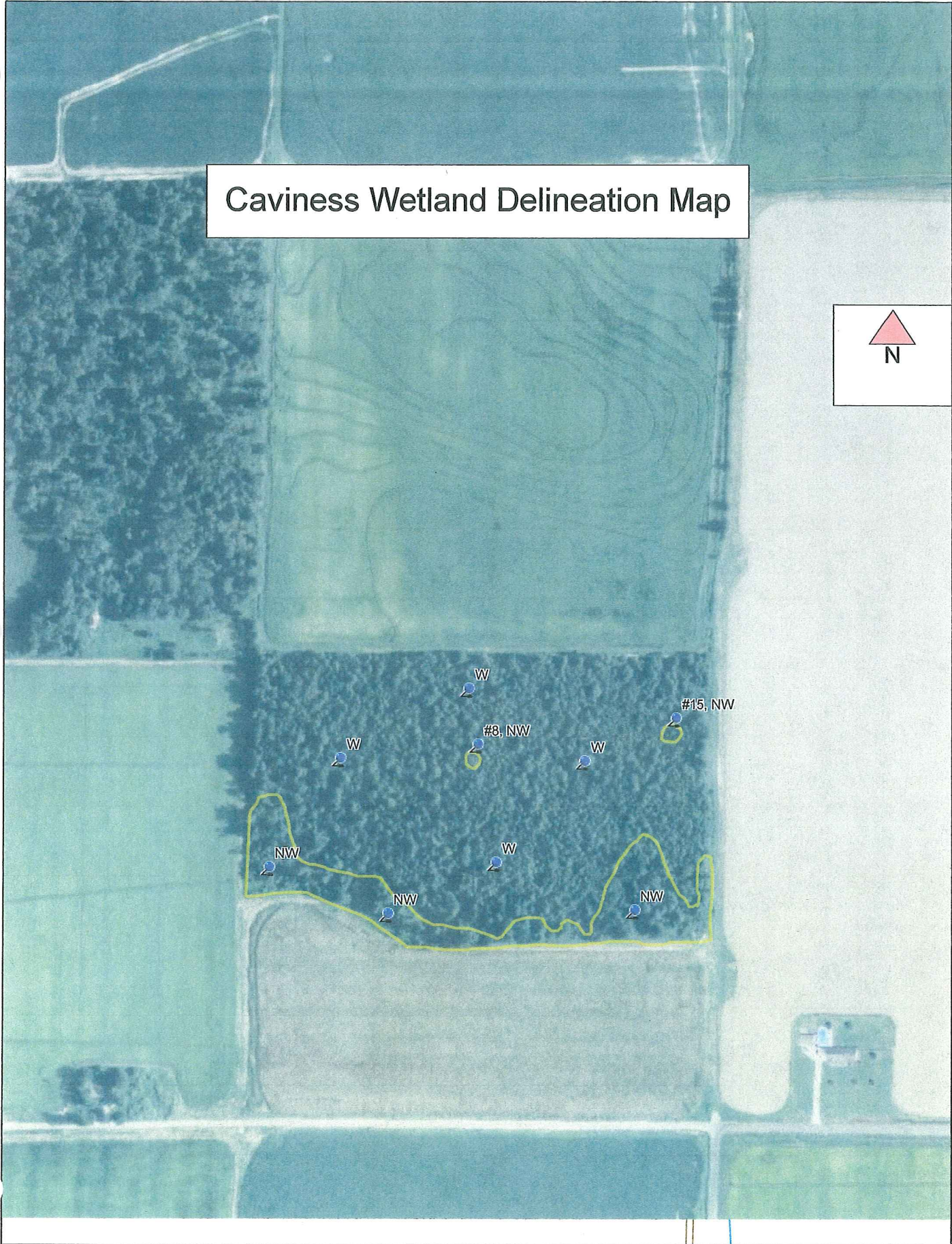
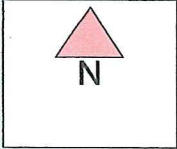
Figure 1



Prairie County, AR



# Caviness Wetland Delineation Map



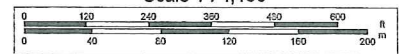
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**Figure 2**

Scale 1 : 4,400



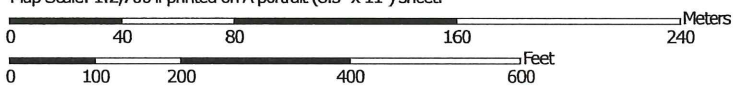
1" = 366.7 ft

Data Zoom 15-5

Soil Map—Lonoke and Prairie Counties, Arkansas  
(Caviness Farms Mitigation Site)



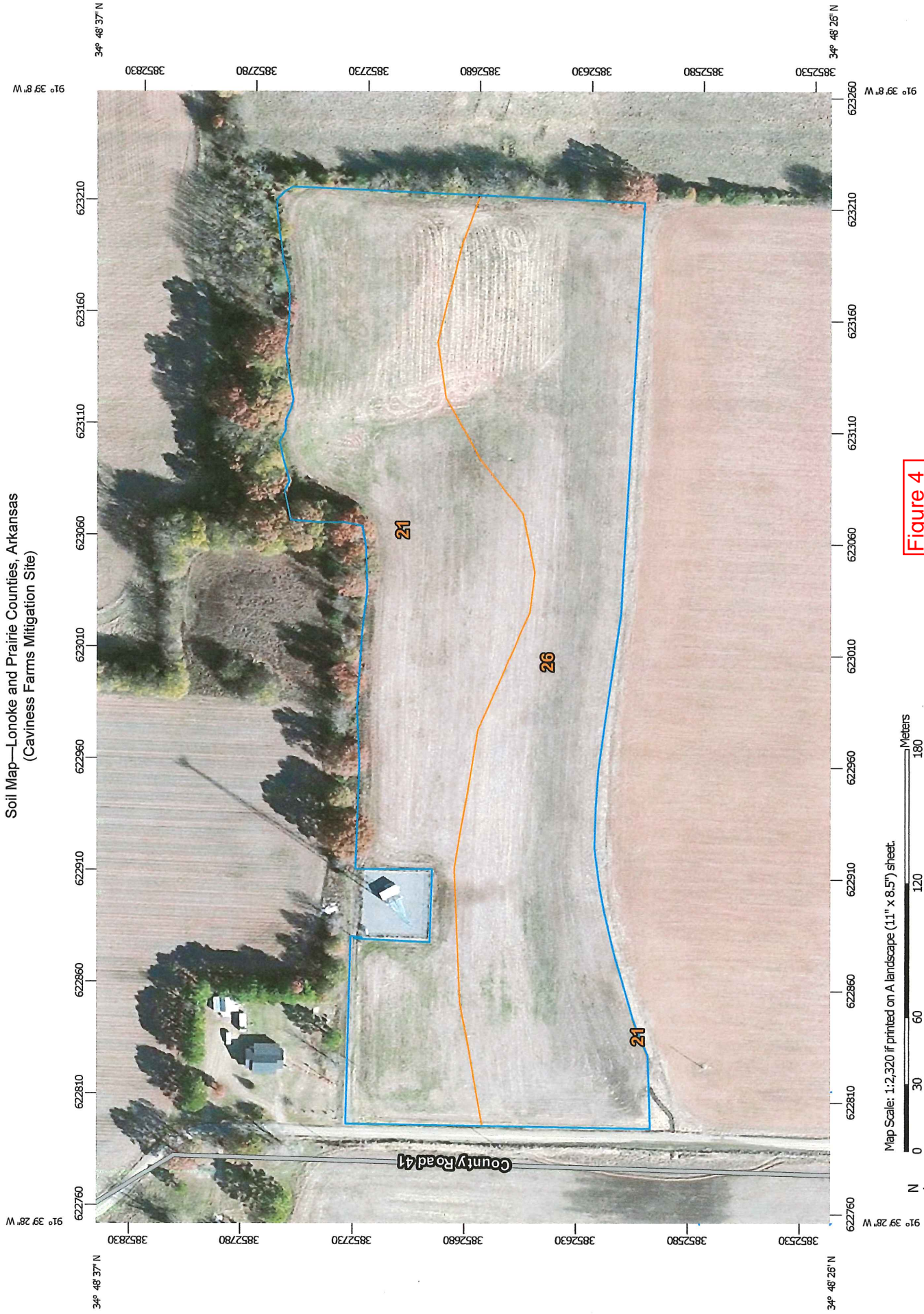
Map Scale: 1:2,700 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

**Figure 3**

Soil Map—Lonoke and Prairie Counties, Arkansas  
(Caviness Farms Mitigation Site)



Map Scale: 1:2,320 if printed on A landscape (11" x 8.5") sheet.

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Figure 4