

US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2020-128 (JFB)

NOTICE DATE:
June 16, 2020

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
July 09, 2020

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. 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 River and Harbors Act of 1899 and codified in 33 USC 408.

APPLICANT:

Arthur "Jay" Hitchcock, Jr.
U. S. Fish & Wildlife Service
Dale Bumpers White River National Wildlife Refuge
P. O. Box 205
St. Charles, Arkansas 72140
(870) 282-8246

LOCATION: The project site is located southwest of Mellwood and west of Crumrod in Phillips and Desha Counties, Arkansas. The north end of the hunt unit is at approximate Latitude 34.184802° and Longitude -91.060732° on the Henrico 7.5 minute quadrangle map and the south end of the hunt unit is at approximate Latitude 34.113053° and Longitude -91.061751° on the Snow Lake 7.5 minute quadrangle map (See Vicinity Maps).

The proposed spur levee raise adjoins the Mississippi and White Rivers Below Helena Levee System which is a federally authorized civil works project. The proposed alteration connects to the landside of the Old Town Lake to Laconia Circle 0/0+00 to 40/44+00 portion of the levee system. This proposed alteration at the levee is shown as "Proposed levee work #1" and "Proposed levee work #7" in the attached documents.

PURPOSE: The purpose of this project is to rehabilitate the existing levee system that has been inoperable as originally intended since the 1980s. The proposed work is intended to improve this area for wintering waterfowl by providing more suitable foraging and loafing habitat, similar to what was being provided in this area prior to the construction of the White River and MS River levees.

HISTORY: The Dale Bumpers White River National Wildlife Refuge (NWR) was created in 1935. In the 40's through the 60's the U.S. Army Corps of Engineers, in cooperation with White River Drainage District, designed and constructed the White River Backwater Levee and Graham Burke Pumping Station across NWR lands. To facilitate drainage of agricultural land in the region by the Corps of Engineers Graham Burke Pumping Station, White River Drainage District excavated canals. The resulting deposition of spoil from these canals was used to create the existing levee system within the subject property which dates back to the 1960's. Intended to offset impacts associated with drainage improvements in the region, the subject levee system directly abuts the White

River Backwater Levee and creates a 1,500 acre 'closed watershed' on NWR lands (hereafter referred to as the Levee Hunt Unit). All lands between towns of Wabash to Snow Lake, including the Levee Hunt Unit, lie between the White River and Mississippi River levees and de-watering of this area is totally dependent on the pumping station. Originally the levee system forming the Levee Hunt Unit contained two water control structures installed for the primary purpose of providing quality habitat for wintering waterfowl. Pumping schedules changed over time, the water control structure on the east side failed and it was a continuous problem. As a result, the NWR decided to breach the levee in the 1980s to let it 'ebb and flow' with the pumping station levels. Dependent on natural topography, in areas where the canal had to be dug deepest, those portions of the levee were 'overbuilt' with spoil and some low areas adjacent to the canal were 'underbuilt'. Also, the levee itself has settled and sloughed in sections over the years. In its current state, the Levee Hunt Unit provides only minimal waterfowl habitat with the majority of it being 'low-quality' open water habitat in the form of borrow ditch lakes.

DESCRIPTION OF WORK: Rehabilitation efforts would be focused on a 1.2 mile long segment of the existing levee (which is approximately 5.6 miles long in total) and the replacement of the two failed water control structures. Through this project, those 'underbuilt' areas will be built up by taking the excess spoil on top of the existing levee and moving it to low areas in the existing levee. New water control structures will be placed in areas where the old structures previously existed. These structures will be designed to capitalize on letting 'pulses' of water in the unit prior to the pumping station pumping the water out. To accomplish this, it will require the removal of trees on portions of the levee in which dirt is to be borrowed or the levee built up. All tree removal will be confined to the top and slopes of the existing levee. It is estimated that 1.81 acres of wetlands will be impacted to accomplish this rehabilitation effort, some of which formed in the breach area where water control structures previously existed and the remainder by expanding the levee base along the toe.

AVOIDANCE/MINIMIZATION: According to the applicant, management of the Levee Hunt Unit will aim to mimic the reference area of the Refuge's forested habitat inside the White River levee. The proposed work will better allow for the ecological restoration of a functioning bottomland hardwood floodplain system. Only portions of the levee that were inadequately designed are being 'touched' by this project (1.2 of 5.6 miles of levee). Therefore, U.S. Fish and Wildlife Service (USFWS) is not proposing to clear and expand the footprint of the entire 5.6 miles of levee. By expanding the toe of the levee on this 1.2 miles, a 'sump ditch' that currently exists and holds water throughout the summer will be converted to a maintainable levee that dries up the adjacent soil and benefits the adjacent forested habitat by drying up portions of the 'sump ditch'. The dirt used for rehabilitation of these sections of levee will be taken from overbuilt portions of the levee, thereby preventing the need to get dirt from within a wetland. Flooding of the area will be 100% dependent on rainfall, therefore, it will be designed to mimic natural hydrology and will likely only be flooded during very wet periods. De-watering of the area will be dependent on the Corps of Engineers pumping station but management of the area will follow guidelines set forth in the Arkansas Game and Fish Commission's recent publication on Conserving Arkansas's Flooded Timber Legacy.

MITIGATION: No mitigation has been proposed for this project. According to the applicant, once the proposed work is completed, many of the functions of a bottomland hardwood forested wetland (i.e. the conditions in which the forest in this area was created) will be restored within the project area.

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 would be no endangered species or critical habitat affected by this proposal. As the applicant and also lead federal agency concerning endangered species, USFWS has determined that “no effect” would occur to endangered or threatened wildlife or plants, or their critical habitat. We will consider this in our evaluation of the described work.

CULTURAL RESOURCES: As the lead Federal Agency for this project, the USFWS is coordinating this project in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). However, we will consider any comments received from federal, state, and local agencies, federally recognized Indian Tribes, the public, and other interested parties to ensure that the requirements of Section 106 of the NHPA are met.

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 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 email to the following:

U.S. Army Corps of Engineers – Memphis District
ATTN: Joe Brougher
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
E-mail: joseph.f.brougher@usace.army.mil
phone: (901) 544-3472
fax: (901) 544-0211

State Permits Branch, Water Division
Arkansas Department of Environmental Quality
ATTN: Melanie Treat
5301 North Shore Drive
Little Rock, Arkansas 72118-5317
E-mail: treat@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:



<https://permits.ops.usace.army.mil/orm-public>. 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.

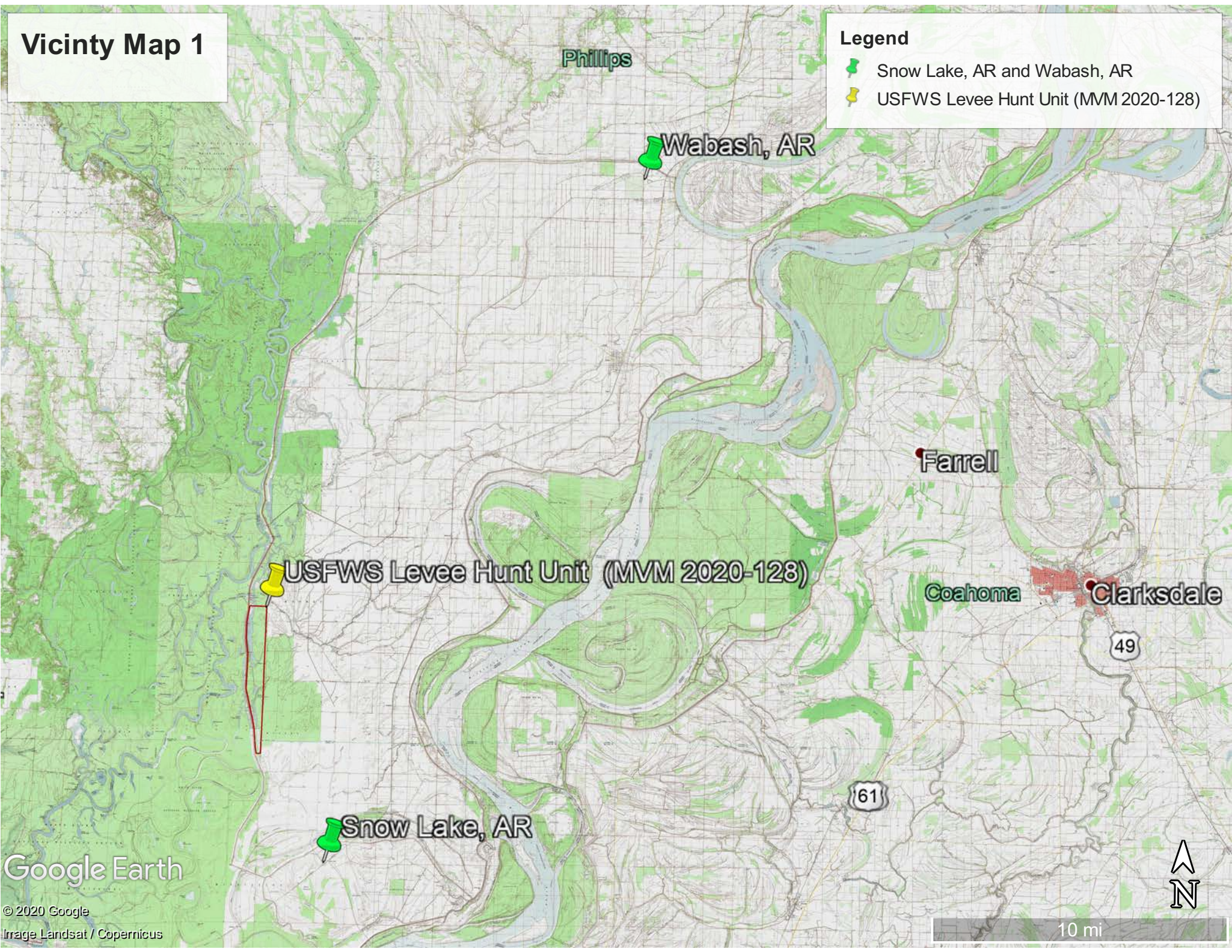
Gregg W. Williams
Chief
Regulatory Division

Attachments

Vicinity Map 1

Legend

-  Snow Lake, AR and Wabash, AR
-  USFWS Levee Hunt Unit (MMM 2020-128)




Google Earth

© 2020 Google
Imagery Landsat / Copernicus

10 mi

Vicinity Map 2

Legend

-  USFWS Levee Hunt Unit (MVM 2020-128)



Mellwood

Little Island

Levee Hunt Unit (MVM 2020-128)



Jug Harris Towhead

Number 68, Island

Crumrod

Number Sixtyseven

Google Earth

© 2020 Google



4 mi

PROPOSED LEVEE WORK #1
1,229 L.F.

WCS #1
TO REPLACE EXISTING BRIDGE

PROPOSED BORROW AREA

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #2
119 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #3
511 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #4
1,108 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #5
586 L.F.

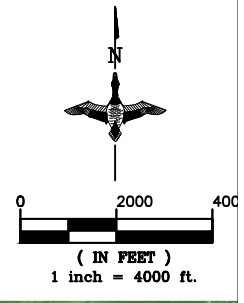
PROPOSED LEVEE WORK #6
556 L.F.

WCS #2
TO REPLACE
EXISTING RISER

PROPOSED BORROW AREA

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #7
2,291 L.F.

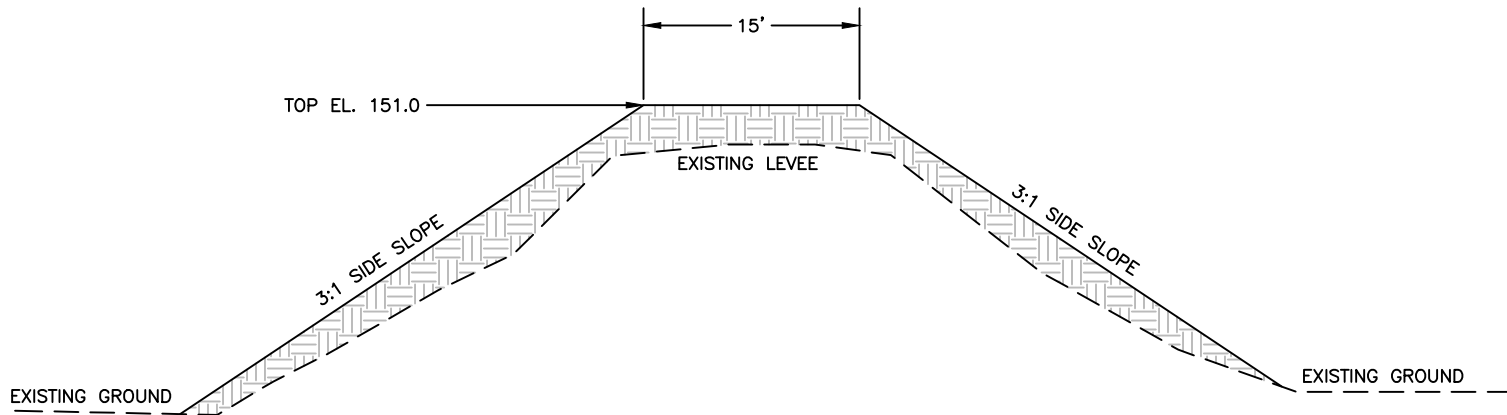


FOR PERMITTING ONLY - THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE OR SALES.

DUCKS UNLIMITED INC.
SOUTHERN REGIONAL OFFICE
193 Business Park Drive, Suite E
Ridgeland, MS 39157



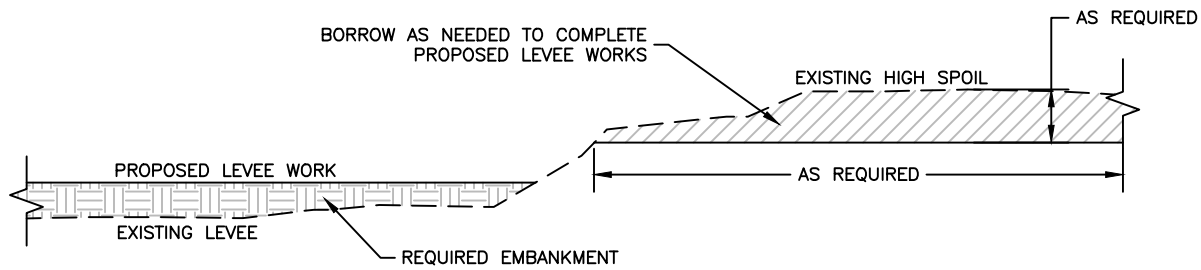
PROJECT NO. AR-59-11
**WHITE RIVER NWR
LEVEE UNIT GTR**
PROJECT OVERVIEW
4/20 | SHEET 3 OF 4



TYPICAL SECTION OF PROPOSED LEVEE WORK

NOT TO SCALE

- LEVEE WORK #1 - 1,229 L.F.
- LEVEE WORK #2 - 119 L.F.
- LEVEE WORK #3 - 511 L.F.
- LEVEE WORK #4 - 1,108 L.F.
- LEVEE WORK #5 - 586 L.F.
- LEVEE WORK #6 - 556 L.F.
- LEVEE WORK #7 - 2,291 L.F.



TYPICAL PROFILE OF LEVEE WORK & PROPOSED BORROW AREA

NOT TO SCALE

FOR PERMITTING ONLY - THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE OR SALES.

DUCKS UNLIMITED INC.
 SOUTHERN REGIONAL OFFICE
 193 Business Park Drive, Suite E
 Ridgeland, MS 39157



PROJECT NO. AR-59-11
 WHITE RIVER NWR
 LEVEE UNIT GTR
 TYPICAL DETAILS
 4/20 SHEET 4 OF 4

PROPOSED LEVEE WORK #1
1,229 L.F.

WCS #1
TO REPLACE EXISTING BRIDGE

PROPOSED BORROW AREA

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #2
119 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #3
511 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #4
1,108 L.F.

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #5
586 L.F.

PROPOSED LEVEE WORK #6
556 L.F.

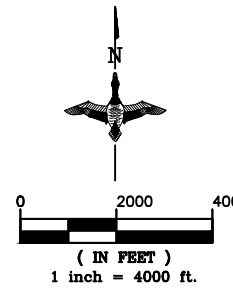
WCS #2
TO REPLACE
EXISTING RISER

PROPOSED BORROW AREA

PROPOSED BORROW AREA

PROPOSED LEVEE WORK #7
2,291 L.F.

408
review
area



FOR PERMITTING ONLY - THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE OR SALES.

DUCKS UNLIMITED INC.
SOUTHERN REGIONAL OFFICE
193 Business Park Drive, Suite E
Ridgeland, MS 39157



PROJECT NO. AR-59-11
**WHITE RIVER NWR
LEVEE UNIT GTR**
PROJECT OVERVIEW
4/20 | SHEET 3 OF 4