



U.S. Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM-2015-188 (JFB)**

**NOTICE DATE:**  
**February 9, 2016**

**EXPIRATION DATE:**  
Attn: Postmaster,  
Please Post Until  **March 1, 2016**

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources (MDNR). The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the MDNR at the address provided below.

**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:**

Seiler Farms, Inc.  
5461 State Highway N  
Benton, Missouri 63736  
(573) 979-4692

**PURPOSE:** The applicant is proposing to clear forested wetlands to allow for operation of a center pivot irrigation system to improve crop production on the property.

**LOCATION:** The project is located in Section 31, Township 29N, and Range 15E in Scott County, Missouri, at approximate latitude 37.14249°N and longitude -89.44411°W on the IL - Thebes 7.5 minute quadrangle map (see attachment 1).

**DESCRIPTION OF WORK:** The applicant proposes to convert two wetland areas totaling approximately 16.6 acres to agricultural production. As shown on the attached maps and aerial photographs, the wooded wetland area is approximately 5.2 acres in size while the area labeled as Farmed Wetland is 11.4 acres in size. The wooded area is predominatntly Black Willow (*Salix nigra*) and Red Maple (*Acer rubrum*).

**AVOIDANCE, MINIMIZATION, & COMPENSATION:** According to the applicant, avoidance and minimization is not possible. However, to offset wetland impacts, the applicant proposes to convert 27 acres of marginal cropland to a forested wetland. The subject mitigation area is in a nearby field but on the river side of the mainline levee for the Misssissippi River and subject to backwater flooding (see attachment 2). The plan for converting this mitigation area was developed in coordination with the Natural Resources Conservation Service.

**WATER QUALITY CERTIFICATION:** The project plans have been submitted to the MDNR, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written Comments concerning possible impacts to waters of Missouri should be addressed to: MDNR, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; with a copy provided to the Corps of Engineers.

**ENDANGERED SPECIES:** The project area is within the range of and may contain suitable habitat for the Gray Bat (*Myotis grisescens*), Indiana Bat (*Myotis sodalis*), and Northern Long-eared Bat (*Myotis septentrionalis*). Our preliminary determination is that the project may affect these species. This notice is being coordinated with the U.S. Fish and Wildlife Service (USFWS) and appropriate state agencies. In order to complete our evaluation of this activity, comments are solicited by this Public Notice from the USFWS and other interested agencies and individuals.

**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 require a survey of the project area.

**FLOODPLAIN:** 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 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 required by our office.



**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District and Missouri Department of Natural Resources. Comments may be sent via mail or E-mail to the following:

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

MDNR  
Water Protection Program  
P. O. Box 176  
Jefferson City, MO 65102-0176

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.

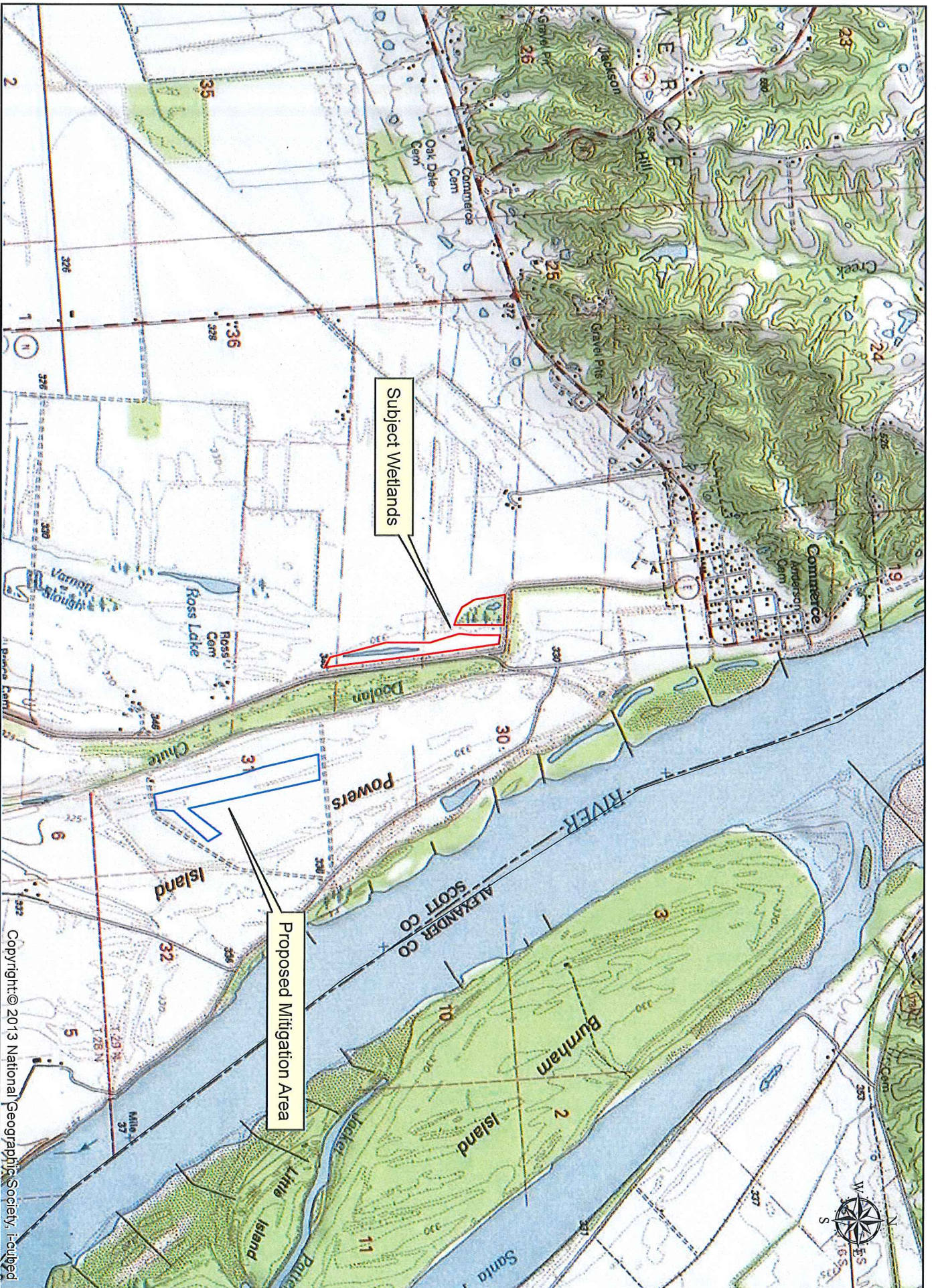
**FOR FINAL INDIVIDUAL PERMIT ACTIONS IN THE MEMPHIS DISTRICT, GO TO THE FOLLOWING LINK:** <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending 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

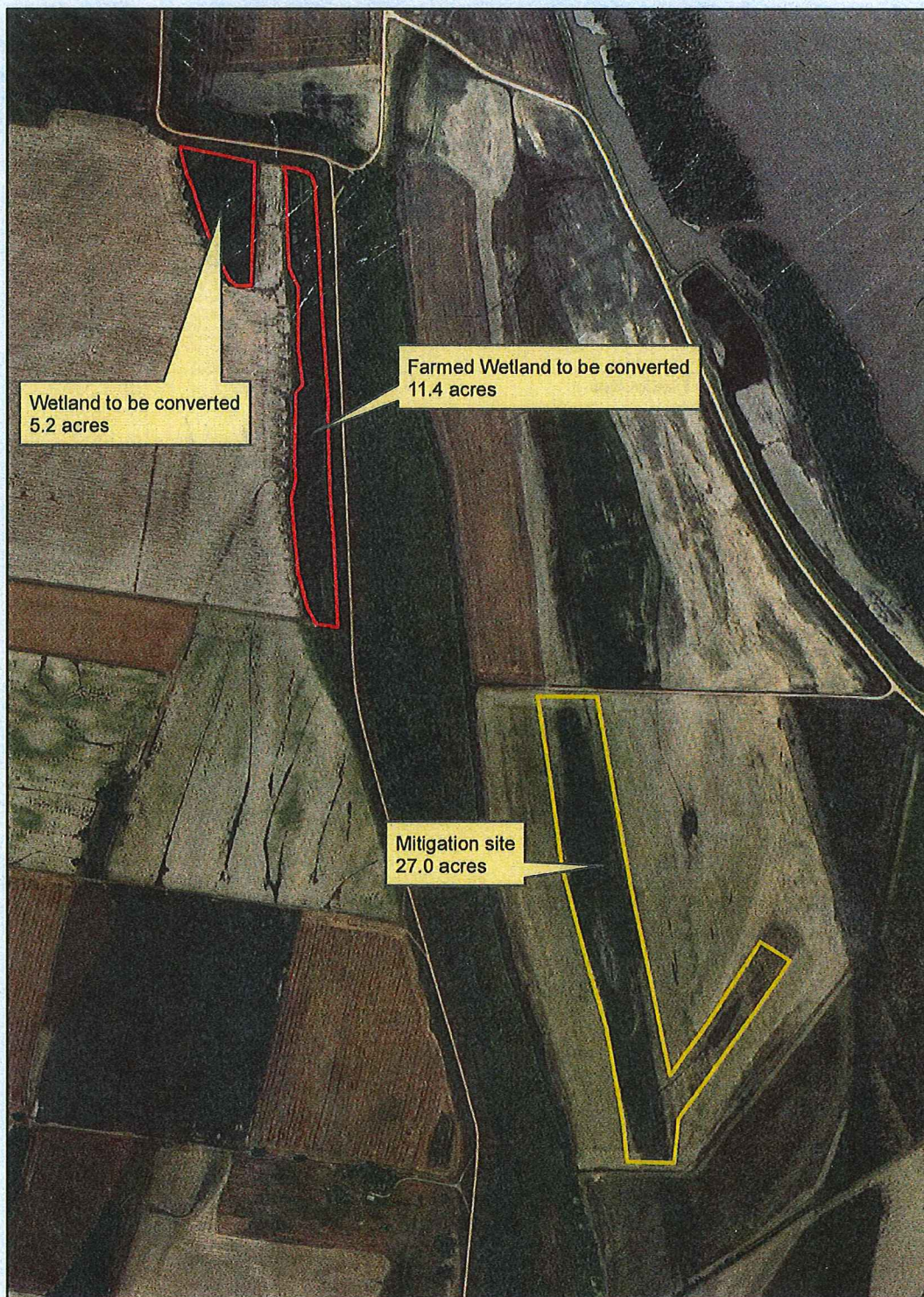
Attachments







**Mitigation Exhibit 1**  
**Seiler Farms Inc tracts 1573 & 4531**



0 450 900 1,800 2,700 3,600 Feet



*Attachment 2*



# Vicinity Map (MVM 2015-188)

- Legend**
- Feature 1
  - Subject Property

