



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM-2013-473 (JKB)

NOTICE DATE:
December 27, 2013

EXPIRATION DATE:
Attn: Postmaster,
Please Post Until  **January 27, 2014**

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Missouri Department of Natural Resources. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification.

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: Buford A. Cross; 501 Corrine, Hayti, Missouri 63851; (573) 359-0433

PURPOSE: According to the applicant, the purpose of the project is to increase crop production and irrigation efficiency.

LOCATION: The project site is located in Section 3, Township 18N, Range 11E, in Pemiscot County, Missouri, at approximate latitude 36.22804°N and longitude -89.84528°W. The project area is shown on the Hyati Heights, MO, 7.5 minute quadrangle map (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to precision land level the existing field in order to increase crop production and irrigation efficiency. The leveling would impact approximately 1,300 linear feet of an unnamed tributary of Main Ditch No. 8 (Attachments 1 and 2). The tributary is approximately 6-8 feet wide at the bottom and 12-14 feet wide at top bank. There is little to no buffer along this stretch of the tributary.

AVOIDANCE/MINIMIZATION: According to the applicant, avoiding the proposed impact to the unnamed tributary would not allow him to meet his purpose of increased crop production and irrigation efficiency at the site.

MITIGATION: : The applicant proposes to mitigate impacts with the creation of approximately 1,600 linear feet of new ditch along the field boundaries in Section 3, Township 18N, Range 11E, on the Hayti Heights, MO, 7.5 minute quadrangle map (Attachments 1 and 2).

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 Engineer District - Memphis
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

Missouri Department of Natural Resources
Water Protection Program
P. O. Box 176,
Jefferson City, MO 65102-0176.

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, 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 the address provided above with a copy provided to the Corps of Engineers.

THREATENED & ENDANGERED SPECIES: No endangered or threatened species or their critical habitats are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants or their critical habitat will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer 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 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.

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 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.



Roger Allan
Acting Chief
Regulatory Branch

Attachments



