



**US Army Corps  
of Engineers**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

APPLICATION NO.:	MVK-2015-591
EVALUATOR:	Ms. Kristi Hall
PHONE NO.:	(601) 631-7528
FAX NO.:	(601) 631-5459
E-MAIL:	Kristi.W.Hall@usace.army.mil
DATE:	January 7, 2016
EXPIRATION DATE:	January 27, 2016

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, MS 39183-3435.

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

**Law Requiring a Permit:** Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

**Name of Applicant:**  
Robert Young, III  
Belcher Lake Farms  
2414 Hendrix Boulevard  
Fort Smith, Arkansas 72903

**Name of Agent:**  
Mr. Wayne Pitts, Jr.  
Belcher Lake Farms  
15824 Durham Road  
Stuttgart, Arkansas 72160

**Location of Work:** Section 16, T 1 S- Range 6 W, Latitude 34.61748, Longitude - 91.6541, within Two Prairie Bayou watershed part of the Bayou Meto Drainage Basin (8-digit USGS HUC 08020402), Lonoke County, Arkansas.

**Location of Work:** Section 16, T 1 S- Range 6 W, Latitude 34.61748, Longitude - 91.6541, within Two Prairie Bayou watershed part of the Bayou Meto Drainage Basin (8-digit USGS HUC 08020402), Lonoke County, Arkansas.

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional wetlands for the purpose of constructing a green tree reservoir for recreational hunting and wildlife habitat. The proposed green tree reservoir would cover 63.3 acres. The project proposes to construct approximately 9,920 feet of berm with a top width of 10 feet and two to one (2:1) side slopes. The average height of the berm would be 3.5 to 4.5 feet tall. The construction area would range from 20 feet wide to 60 feet wide. Berm material would be excavated onsite. Three water control structures (4 feet by 1 foot flash board riser) and one screw gate gravity structure with 12 inch pipe would be installed within the berm to control water levels. Approximately 2.3 acres of wetlands would be impacted by the project.

The water control structure would remain open during the growing season to avoid long term inundation. Water depth within the green tree reservoir would range from 0-18 inches. Water would be impounded within the green tree reservoir starting in October and ending by February 28 of each year. The reservoir would remain dry 1 out of 3 years. If during the planned dry year a natural flooding event occurs, the GTRs would remain dry the following year. Water would be pumped from Two Prairie Bayou using a portable re-lift pump at a rate of 2,500 gallons per minute.

The vegetative communities within the wetland areas are dominated by black willow (*Salix nigra*), willow oak (*Quercus phellos*), water oak (*Quercus nigra*), buttonbush (*Cephalanthus occidentalis*), rushes (*Juncus effuses*, *Juncus tenuis*), spike rush (*Eleocharis obtusa*), and buckwheat vine (*Brunnichia ovate*). Soil within the wetland areas on project site consists of Calhoun silt loam, having a hydric component percent rating of 95 by the Natural Resource Conservation Service (NRCS).

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through a mitigation bank.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and

address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties. The permit area is composed of low-lying wetlands with no existing or subsided natural levee landforms: and therefore, has a very low potential for yielding unidentified cultural deposits that may be eligible for the National Register of Historic Properties. Copies of this public notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

**Endangered Species:** Our initial finding is that the proposed work would not affect the following endangered species or their critical habitats: Piping plover (*Charadrius melodus*), Fat pocketbook (*Potamilus capax*), Interior least tern (*Sterna antillarum athalassos*), Pink mucket (*Lampsilis abrupta*), Rabbitsfoot (*Quadrula cylindrica cylindrica*), or Scaleshell (*Leptodea leptodon*). This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat would be addressed in our evaluation of the described work.

**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 development described in this public notice and apprise this office of any flood plain development permit requirements. Portions of the project are within the 100 year floodplain.

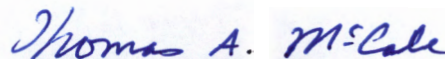
**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns,

historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

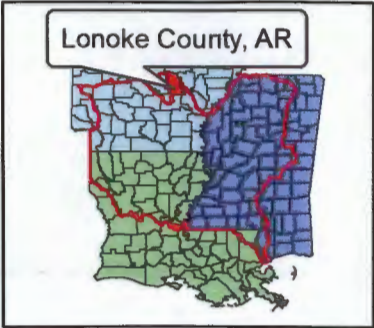
**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.



**Thomas A. McCabe**  
Chief, Evaluation Section  
Regulatory Branch



23 December 2015  
**MVK-2015-591**  
 Jurisdictional Determination  
 Belcher Lake Farms  
 Lonoke County, Arkansas  
**Preliminary  
 Jurisdictional Determination**  
 Prepared by  
 Arel Simpson



**US Army Corps  
of Engineers**

**Regulatory Branch  
Enforcement Section**

0 150 300 600 Feet

Enclosure 1

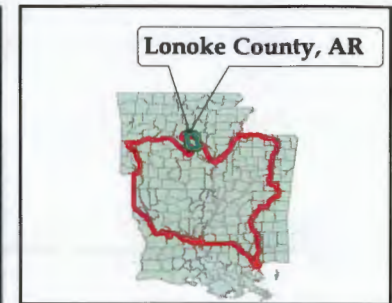
There are jurisdictional waters of the U.S. within the project boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S. would require a permit.

**Legend**

Project Boundary

Jurisdictional Wetlands (6.87 Acs.)

Wetland/Upland Mix (3.65/1.56 Acs.)



29 September 2015  
**MVK-2015-591**  
 Green Tree Reservoir  
 Belcher Lake Farms  
**Preliminary  
 Impact Map**  
 Kristi Hall



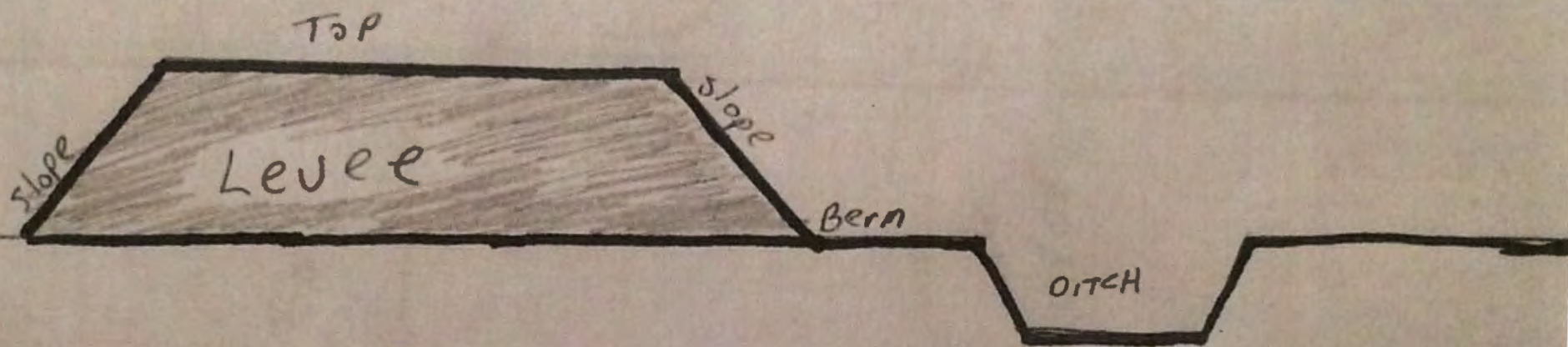
**Regulatory Branch**  
**Enforcement Section**

0 340 680  
 Feet

**Legend**

- ◆ Water Control Structure
- ⊕ Screw Gate and Gravity Structure
- Berm - 20 feet clear and fill
- Berm - 60 feet clear and fill
- ▨ Wetlands Impacted = 2.3 acres fill
- ▨ Jurisdictional Wetlands = 6.9 acres
- ▨ Jurisdictional Wetland / Upland Mix (70/30) = 3.7 acres / 1.6 acres upland

1:6,500



Levee = 10' top 2 to 1 side slope

Berm = 2 to 3' safety berm between Levee and ditch

Ditch = 1 1/2 to 1 slope depth will change as Levee height changes

Levee = Average height 3 1/2 to 4' tall.

CEMVK-FE KWH-MVK-2015-591

BELCHER LAKE FARMS