



**US Army Corps  
of Engineers.**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)



# Public Notice

APPLICATION NO.:	MVK-2022-522
EVALUATOR:	Mr. William Pigott
PHONE NO.:	(601) 631-7239
E-MAIL:	<a href="mailto:William.L.Pigott@usace.army.mil">William.L.Pigott@usace.army.mil</a>
DATE:	March 3, 2023
EXPIRATION	March 24, 2023

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-RD, and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not submitted a certification request to the Arkansas Department of Environmental Quality (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps of Engineers will notify the certifying agency of the reasonable period of time for them to act upon the certification.

**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:**  
Mr. Sam Jonas Storthz  
L&P Realty company  
810 N University Avenue  
Little Rock, Arkansas 72205

**Location of Work:** 26, T2S-R6W, Latitude 34.503728, Longitude -91.624961, within the Bayou Meto Drainage Basin (8-digit USGS HUC: 08020402), Prairie 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 for activities conducted in jurisdictional areas for the purpose of building up an existing roadway for the construction of a levee for a greentree reservoir (GTR). The purpose of the proposed project is to impound an existing low-lying area during the winter months to provide seasonal habitat and hunting opportunities for migrating and wintering waterfowl. The GTR would be approximately 150 acres in size. The levee would be approximately 3,970 feet long, 12 feet wide at the base, 4 feet wide at the crest, and an average of 2 feet high. The project location already receives partial seasonal inundation through precipitation and overflow from the adjacent Bayou Meto. The purpose of the levee would be to prevent unintended flooding from Bayou Meto so that the area could be inundated with a controlled release from the applicants adjacent fishing reservoir. The footprint of the proposed levee will be approximately 1.09 acres (12' x 3970'). The footprint of existing roadway is 0.55 acres (6' x 3970'). Therefore, the total impacted wetlands will be 0.54 acres.

The vegetative communities within the project area are dominated by bald cypress and buttonbush. Soils within the project site consist of Hebert and Rilla silt loam, and Perry silty clay.

The proposed project would result in the fill of 0.54 acres of forested wetlands. Mitigation will be required as the cumulative impacts are above 0.1 acre.

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 proposed work is occurring on previously disturbed areas with no sites or surveys within one mile. The proposed project has no potential to cause effects.

**Endangered Species:** Threatened and Endangered Species for this area include the Eastern Black Rail, Piping Plover, Red Knot, and Pondberry. The Corps has determined that the proposed activity would have no effect on these species as per the IPAC determination tool.

**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 development described in this public notice and apprise this office of any flood plain development permit requirements. The project is located within the 100-year floodplain.

**Evaluation Factors:** The decision whether 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.

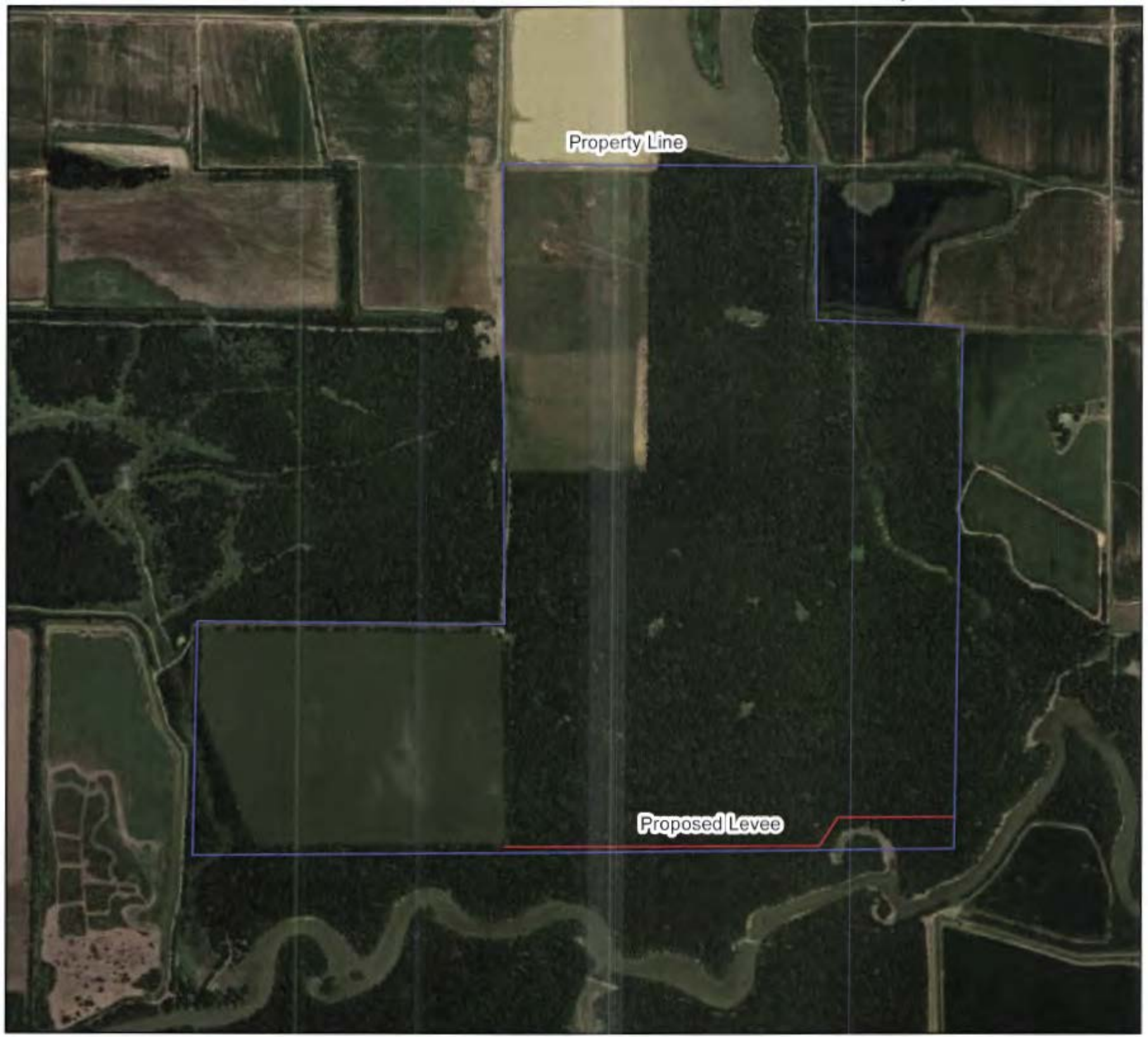
**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help 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>.

Gerald Bourne  
Chief, Arkansas Branch  
Regulatory Division



This is an aerial photograph of a rural landscape, likely a coastal or flood-prone area. The terrain is a mix of dark green fields, brownish agricultural plots, and a winding waterway at the bottom. A blue line, representing a property boundary, runs vertically through the center of the image. A red line, representing a proposed levee, runs horizontally across the lower portion of the image, starting from the left edge and ending near the right edge, with a small step or bend. Two text labels are overlaid on the image: 'Property Line' in white text with a black outline, positioned above the blue line in the upper-middle section; and 'Proposed Levee' in white text with a black outline, positioned above the red line in the lower-middle section.

Property Line

Proposed Levee