



**US Army Corps
of Engineers**

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



Public Notice

APPLICATION NO.:	RHW-MVK-2012-1139
EVALUATOR:	Ms. Ramona Warren
PHONE NO.:	(601) 631-5441
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@usace.army.mil
DATE:	February 14, 2013
EXPIRATION DATE:	March 7, 2013

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 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:
Mr. Joe Bradley Jr.
Post Office Box 10065
El Dorado, Arkansas 71730

Location of Work: Section 2 T17S-R13W, latitude 33.27046, longitude -92.41845 within the Ouachita River Drainage basin, Union 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 an after-the-fact Department of the Army permit for the discharge of dredged and/or fill material into waters of the United States to construct a recreational pond for fish and wildlife habitat. The pond is 80-90% complete.

The project area is approximately 42.7 acres. The proposed project includes construction of a dam 55 feet in height, 40-foot top width, and 70 feet in length. The dam was created by cutting into an existing hill side and building down to tie the two ridges together. Approximately 300,000 cubic yards of on-site clay material was used to fill the runoff area between the two ridges to create the dam.

A jurisdictional determination indicates that 2,510 linear feet of jurisdictional streams are located on the project site. The dam would inundate 236 linear feet of intermittent stream and 1,940 linear feet of ephemeral stream. The applicant has filled 334 linear feet of intermittent stream to create the dam. There are no wetlands on site.

The vegetation located at the project site includes Pinus taeda (Loblolly pine) Ilex opaca (American holly) Liquidambar styraciflua (Sweetgum) Hamamelis virginiana (American witchhazel) Ostrya virginiana (American hophornbeam) Vaccinium arboreum (Farkleberry) Rubus argutus (Blackberry brier) Callicarpa americana (French mulberry). The soils in the project area include Bibb Fine sandy loam.

The applicant proposes on-site permittee-responsible compensatory mitigation for the unavoidable loss of other waters functions and values.

The placement of dredged and/or fill material into waters of the United States, including wetlands, requires a Department of the Army Permit.

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: An initial review indicates that the proposed project would not affect cultural resources listed, or eligible for listing, in the National Register of Historic Places. The Corps Regulatory archaeologist has reviewed the latest published version of the National Register of Historic Places, 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 has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area. Copies of this notice have been sent to the State Historic Preservation Officer, the Corps Regulatory Archaeologist, Federally Recognized Tribes, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not likely adversely affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will 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.

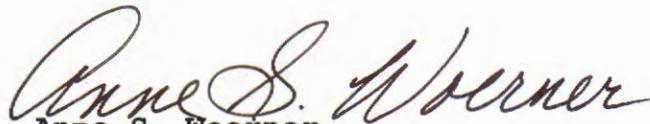
Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may 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.

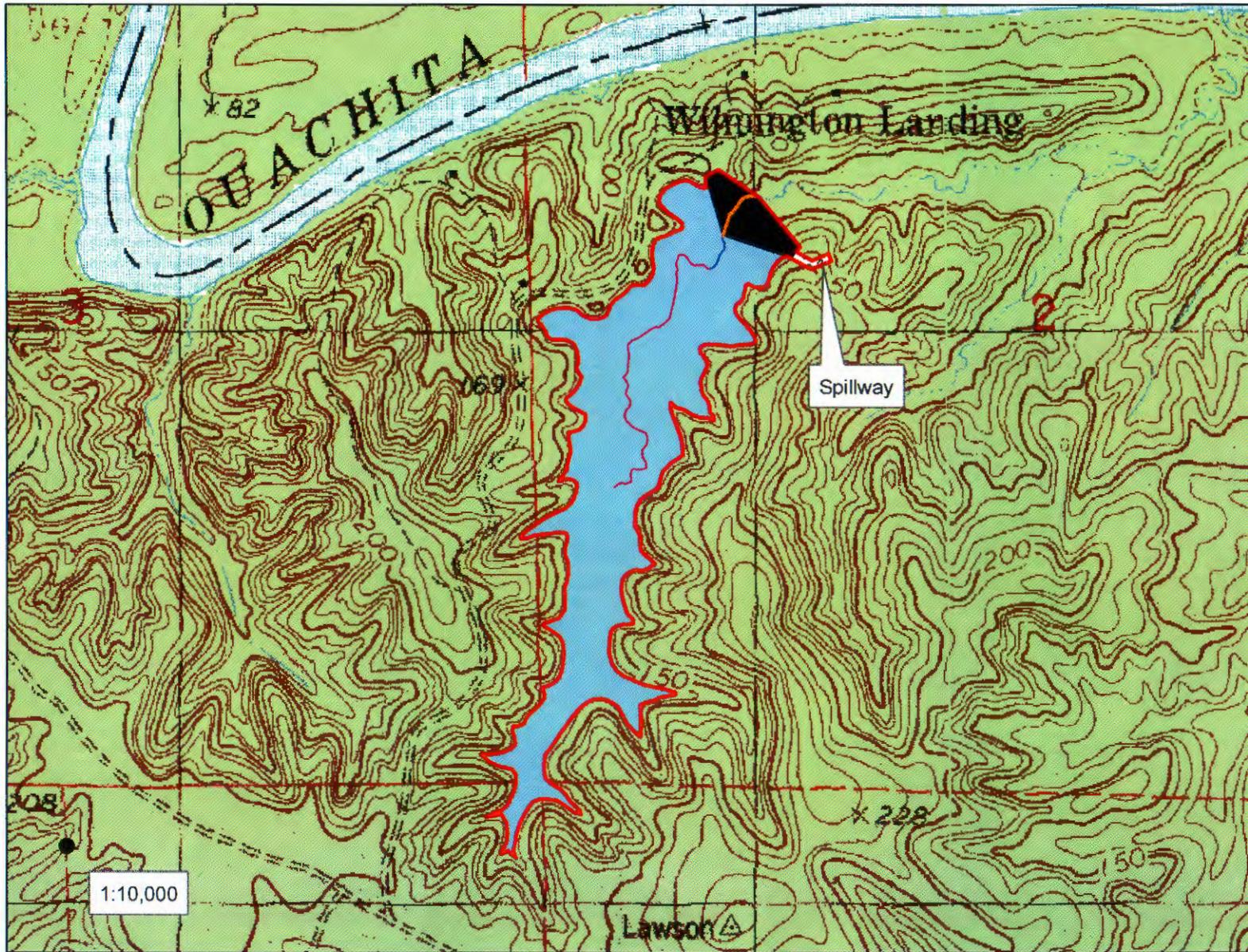
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine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

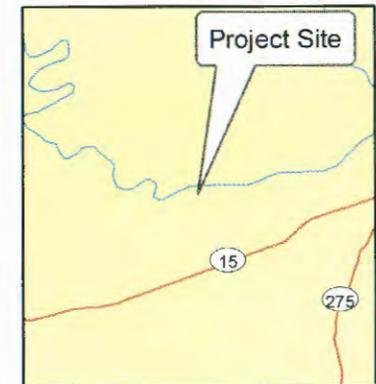
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this 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/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.


Anne S. Woerner
Chief, Evaluation Section
Regulatory Branch



28 December 2012
MVK-2012-1139
 Recreational Pond
 Joe Bradley, Jr.
 Union County, Arkansas
**Preliminary
 Jurisdictional Determination**
 Prepared by
 Arel Simpson



**US Army Corps
of Engineers**

Regulatory Branch
Enforcement Section

0 220 440 880 Feet

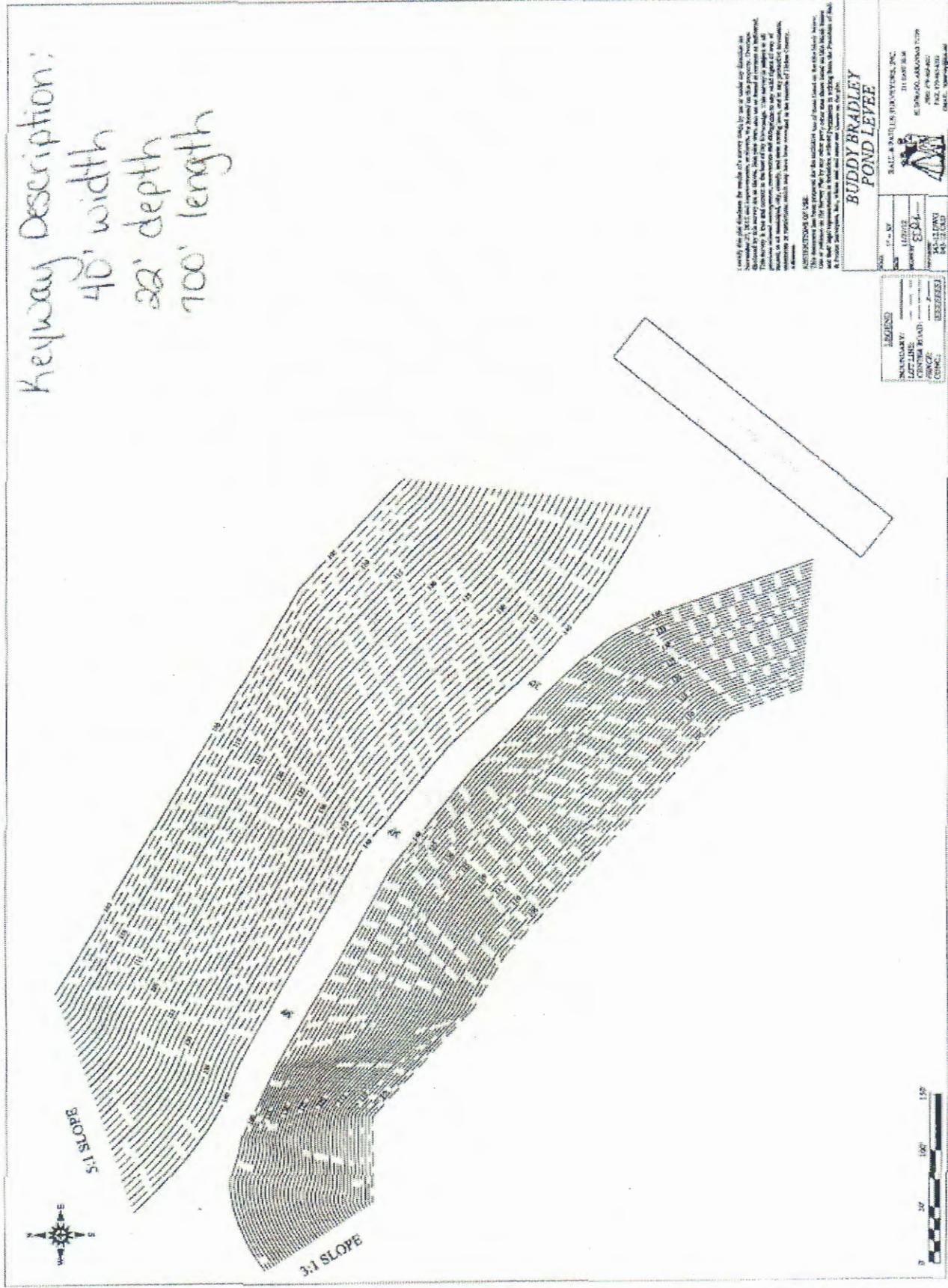
Enclosure 1

There are jurisdictional waters of the U.S. within the project boundary. A permit is required for the proposed work activities within a jurisdictional water of the U.S.

Legend	
Project Boundary	Filled Intermittent Stream (334 L.F.)
Spillway	Ephemeral Jurisdictional stream (1,940 L.F.)
Pond Dam	Intermittent Jurisdictional Stream (236 L.F.)
	Pond Shoreline (42.7 Acs.)

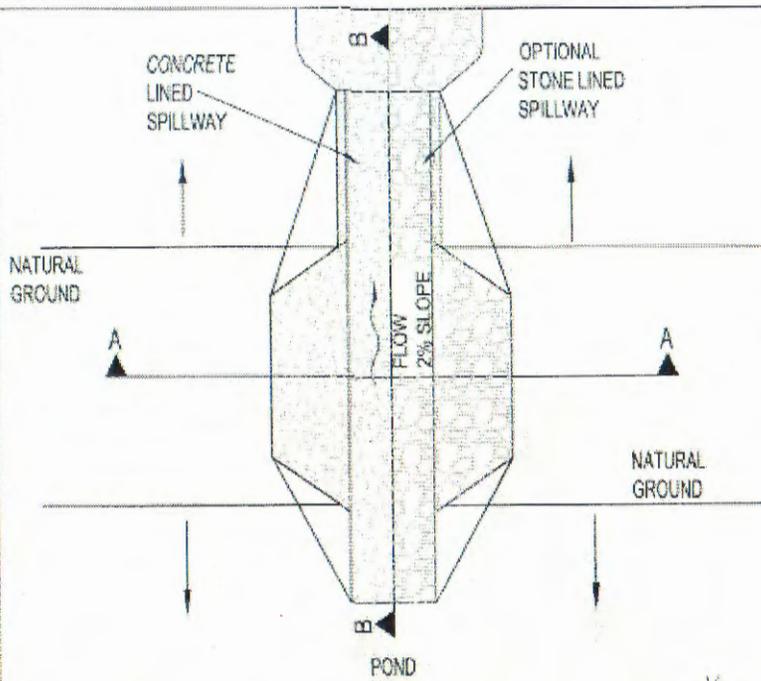
Exhibit A

Keyway Description:
 40' width
 22' depth
 700' length



CEMVK-OD-FE RHW-MVK-2012-1139

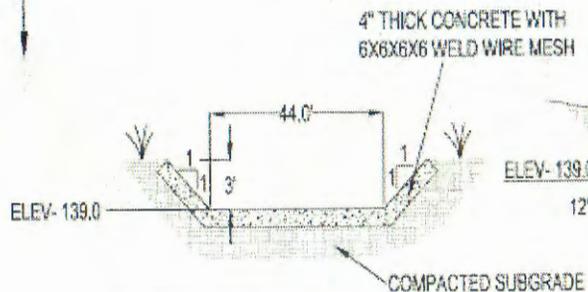
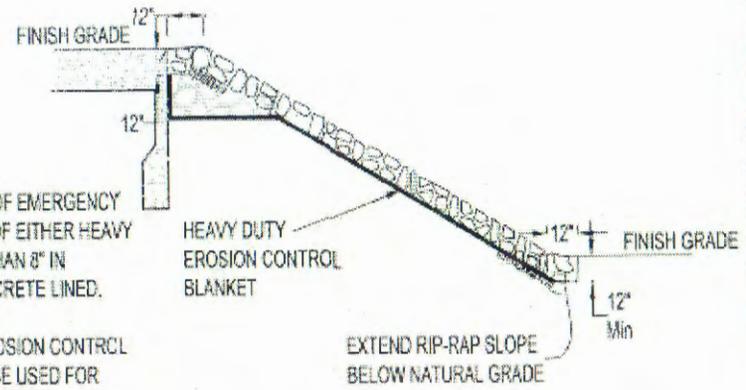
MR. JOE BRADLEY, JR.



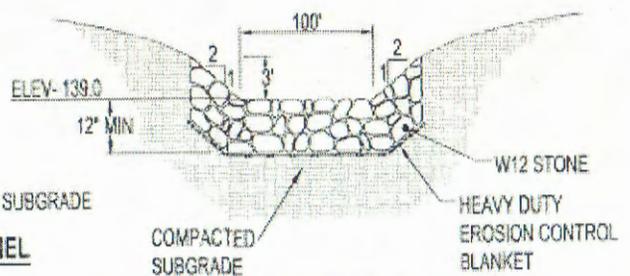
PLAN VIEW

NOTES:

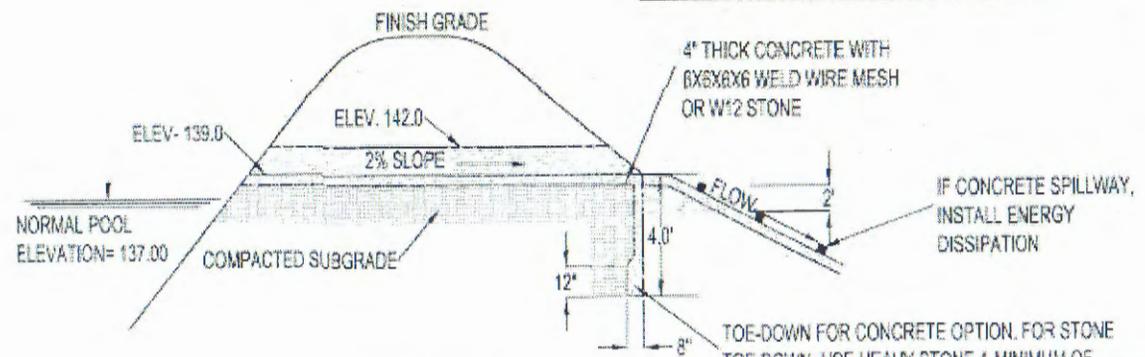
1. CONSTRUCTION OF EMERGENCY SPILLWAY CAN BE OF EITHER HEAVY STONE GREATER THAN 8" IN DIAMETER OR CONCRETE LINED.
2. HEAVY DUTY EROSION CONTROL BLANKET SHOULD BE USED FOR STONE-LINED SPILLWAY.
3. COMPACT SUBGRADE.



SECTION AA- CONCRETE LINED CHANNEL



SECTION AA- STONE LINED CHANNEL



SECTION BB

ECCO ENGINEERING CORPORATION
 13032 CANTRELL ROAD
 LITTLE ROCK, ARKANSAS 72223
 PH. 501.975.8100 FAX: 501.975.5189

EMERGENCY SPILLWAY
 FRAC-N-VAC
 EL. DORADO, ARKANSAS

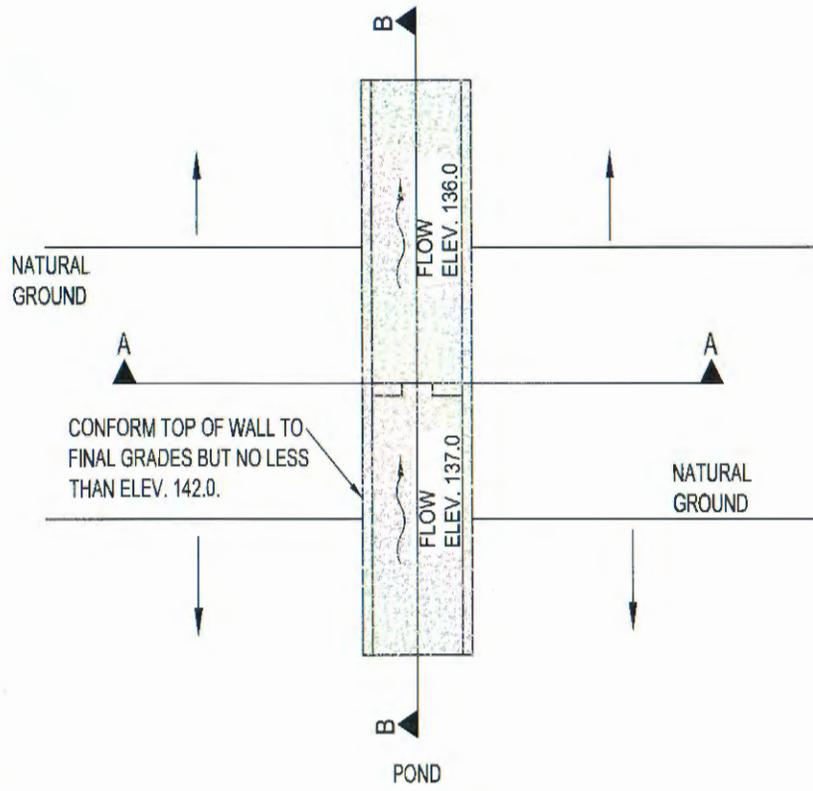
DESIGNED BY: RDV	DATE: 07.13.2012	SCALE: AS NOTED	PROJECT NO: 4787-8001	DRAWING NO: XXXX-XXXX-XXXX	REV:
DRAWN BY: JLB	DATE: 07.13.2012				
CHECKED BY: RDV	DATE: XX.XX.XXXX				
APPROVED BY: RDV	DATE: XX.XX.XXXX				

MR. JOE BRADLEY, JR.

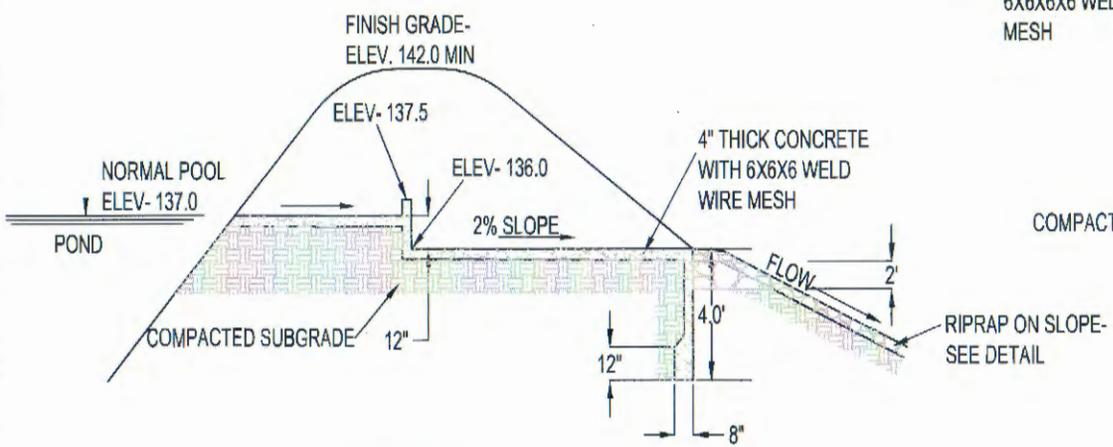
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MR. JOE BRADLEY, JR.

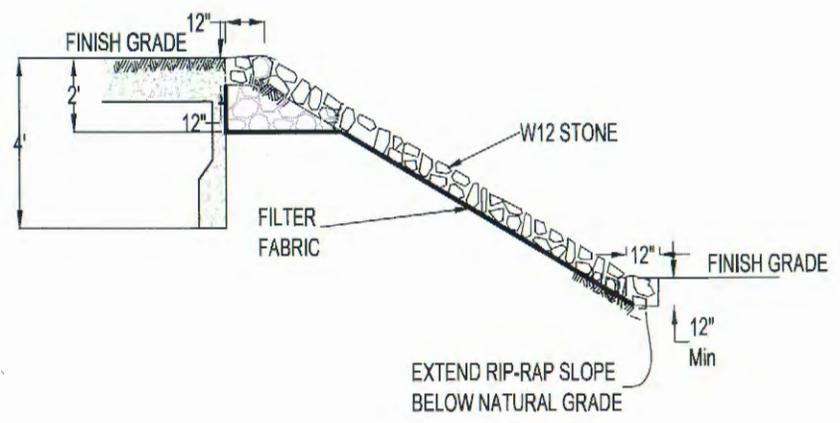
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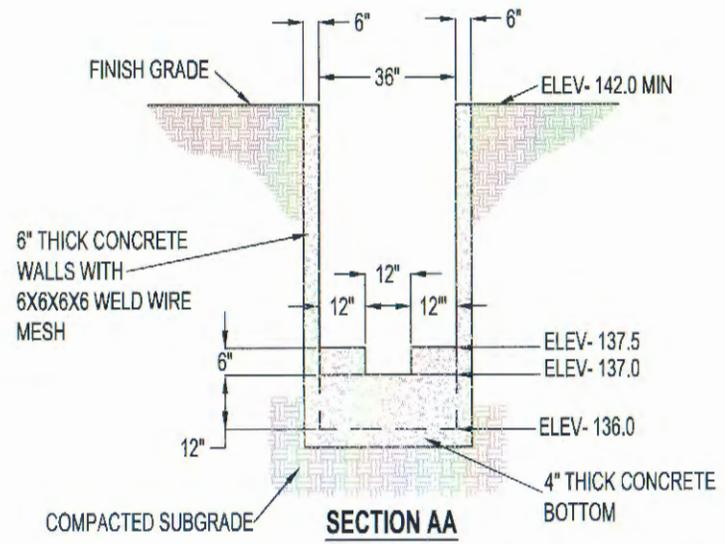
PLAN VIEW



SECTION BB



DUMPED RIPRAP



SECTION AA

	13000 CANTRELL ROAD LITTLE ROCK, ARKANSAS 72223 PH: 501.975.8100 FAX: 501.975.6789		
	POND PRIMARY OUTFLOW STRUCTURE FRAC-N-VAC EL DORADO, ARKANSAS		
DESIGNED BY KDV 07.13.2012	DRAWN BY JLB 07.13.2012	CHECKED BY KDV XX.XX.XXXX	APPROVED BY KDV XX.XX.XXXX
SCALE AS NOTED	PROJECT NO. 4787-6001	DRAWING NO. XXXX-XXXX-XXXX	REV.

DESIGNED BY	KDV	07.13.2012
DRAWN BY	JLB	07.13.2012
CHECKED BY	KDV	XX.XX.XXXX
APPROVED BY	KDV	XX.XX.XXXX