



**US Army Corps  
of Engineers**  
Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil

# Public Notice

<b>APPLICATION NO.:</b>	<b>MVK-2023-824</b>
<b>EVALUATOR:</b>	<b>Ms. Aubrey Hargett</b>
<b>PHONE NO.:</b>	<b>(601) 631-5204</b>
<b>E-MAIL:</b>	<b>Aubrey.C.Hargett@usace.army.mil</b>
<b>DATE:</b>	<b>February 13, 2024</b>
<b>EXPIRATION DATE:</b>	<b>March 5, 2024</b>

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 Water Quality Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to 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 submitted a certification request to the Arkansas Department of Environmental Quality (certifying authority) and the Corps of Engineers and certifying authority have established the reasonable period of time for the certifying authority to act upon the certification request.

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

**Name of Applicant:**  
Mr. Zach Hammack  
3051 Calhoun 19  
Hampton, Arkansas 71744

**Name of Agent:**  
Mr. Jeremy Rowden  
Rowden Consulting, LLC  
23221 Oak Grove Road  
Bullard, Texas 75757

**Location of Work:** Section 32, T14S-R14W, Latitude 33.466654, Longitude -92.567318, within the Jim Dunn Creek Drainage Basin (8-digit USGS HUC 08040201), Calhoun 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 “waters of the United States” (waters of the U.S.) for the purpose of constructing a chicken house facility near their place of residence in Calhoun County, Arkansas. New facilities within the proposed construction area will include two chicken houses with feed bins, an access road for the feed bins, a gravel truck turnaround, and drainage that keeps water off the facility.

Impacts associated with the proposed plan would consist of approximately 0.62 acres of permanent impacts to wetlands that were previously degraded by timber harvesting.

Impacts are summarized by impact type and habitat in the table below.

Impact Type	Jurisdictional Feature	Acres	Linear Feet	Fill Quantity (cu. yds.)
Fill	Wetland - PFO	n/a	n/a	n/a
	Wetland - PEM	0.62	n/a	≈1,000
	Intermittent Stream	n/a	n/a	n/a
	Ephemeral Stream	n/a	n/a	n/a
	Pond	n/a	n/a	n/a

The Applicant proposes to purchase the required compensatory mitigation credits from a USACE Vicksburg District approved mitigation bank that services the project area.

Dominant vegetation on the Site consists of, upland, (UPL), facultative upland (FACU), facultative (FAC), facultative wetland (FACW), and obligate wetland (OBL) plant species. Dominant species identified on the Site include: Loblolly Pine

(*Pinus taeda*) saplings, Dogfennel (*Eupatorium capillifolium*), Broomsedge (*Andropogon virginicus*), Poverty Sedge (*Juncus tenuis*), Chufa (*Cyperus esculentus*), Camphorweed (*Pluchea camphorate*), Wingleaf Primrose (*Ludwigia decurrens*), Smartweed (*Persicaria hydropiperoides*), Soft Rush (*Juncus effusus*),

and Jungle Rice (*Echinochloa colona*), American Beautyberry (*Callicarpa americana*), Groundsel Tree (*Baccharis halimifolia*), Panic Grass (*Dichanthelium acuminatum*) and Axilflower (*Mecardonia acuminata*). Soils within the project area consist of Amy silt loam, 0 to 1 percent slopes, frequently flooded.

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, lists of properties determined eligible, and other sources of information. The permit area is composed (entirely) 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 Places.

**Endangered Species:** The Threatened and Endangered Species list gained via the U.S. Fish and Wildlife Service's Information for Planning and Consultation Tool for the project area includes: Eastern Black Rail, Piping Plover, Rufa Red Knot, Red-cockaded Woodpecker, Alligator Snapping Turtle, Monarch Butterfly, Tricolored Bat, Indiana Bat, and Northern Long-Eared Bat. The Corps has determined that the proposed activity would have no effect on these species as the project location does not contain suitable habitat for any of the listed species.

**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 not located 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.

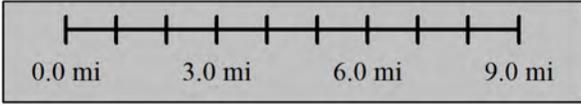
**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

Spencer Dixon  
Acting Chief, Arkansas Branch  
Regulatory Division



Exhibit 1 - Regional Map  
 Zach Hammack Chicken Houses  
 Calhoun Co., AR  
 December 2023







**Rowden Consulting, LLC**  
Environmental Services

**LEGEND**  
Property Boundary

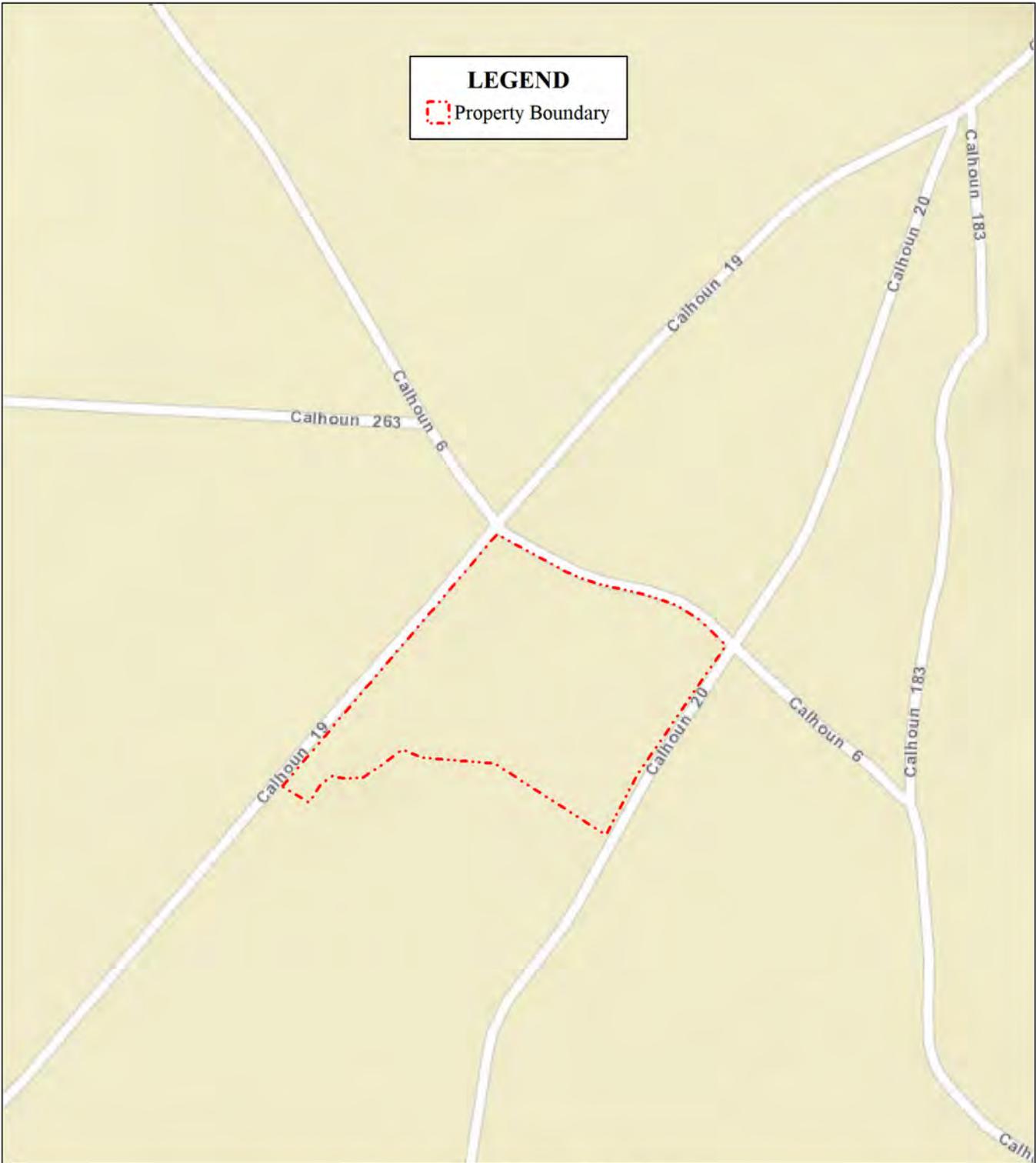
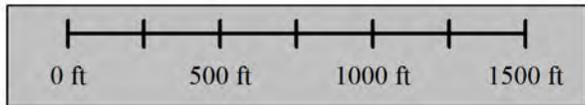
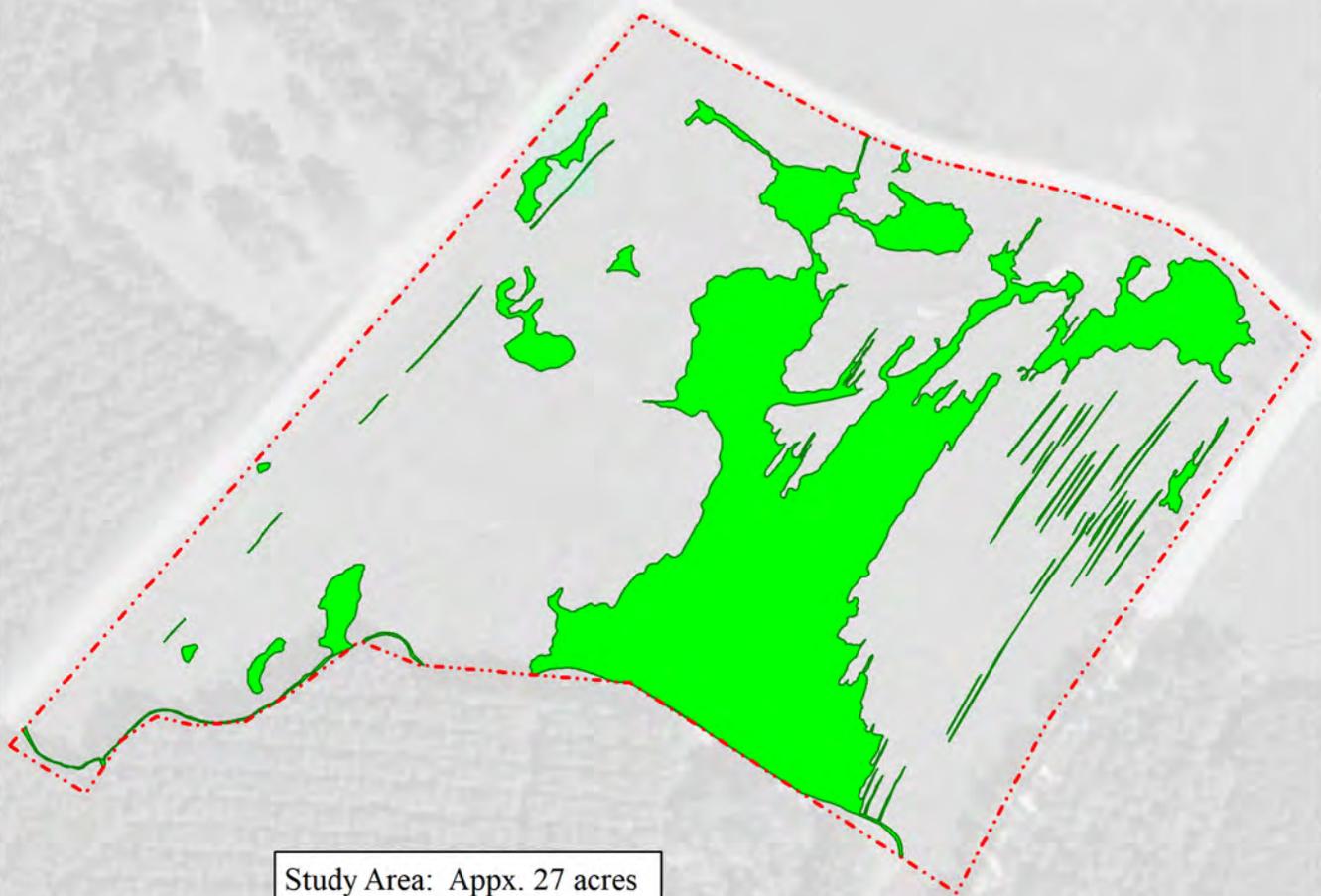


Exhibit 2 - Location Map  
Zach Hammack Chicken Houses  
Calhoun Co., AR  
December 2023



Rowden Consulting, LLC  
Environmental Services

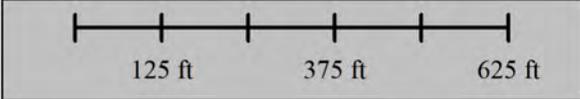
**LEGEND**  
Property Boundary  
Wetlands



Study Area: Appx. 27 acres  
Wetlands: 6.6 acres



Exhibit 3 - Delineation Map  
Zach Hammack Chicken Houses  
Calhoun Co., AR  
December 2023



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**LEGEND**

-  Limits of Disturbance
-  Property Boundary
-  Proposed Chicken Houses
-  Feed Bin Access
-  Proposed Drainage

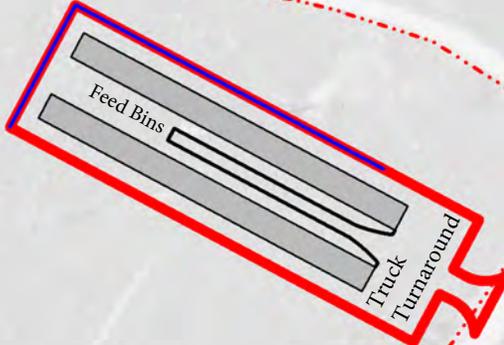
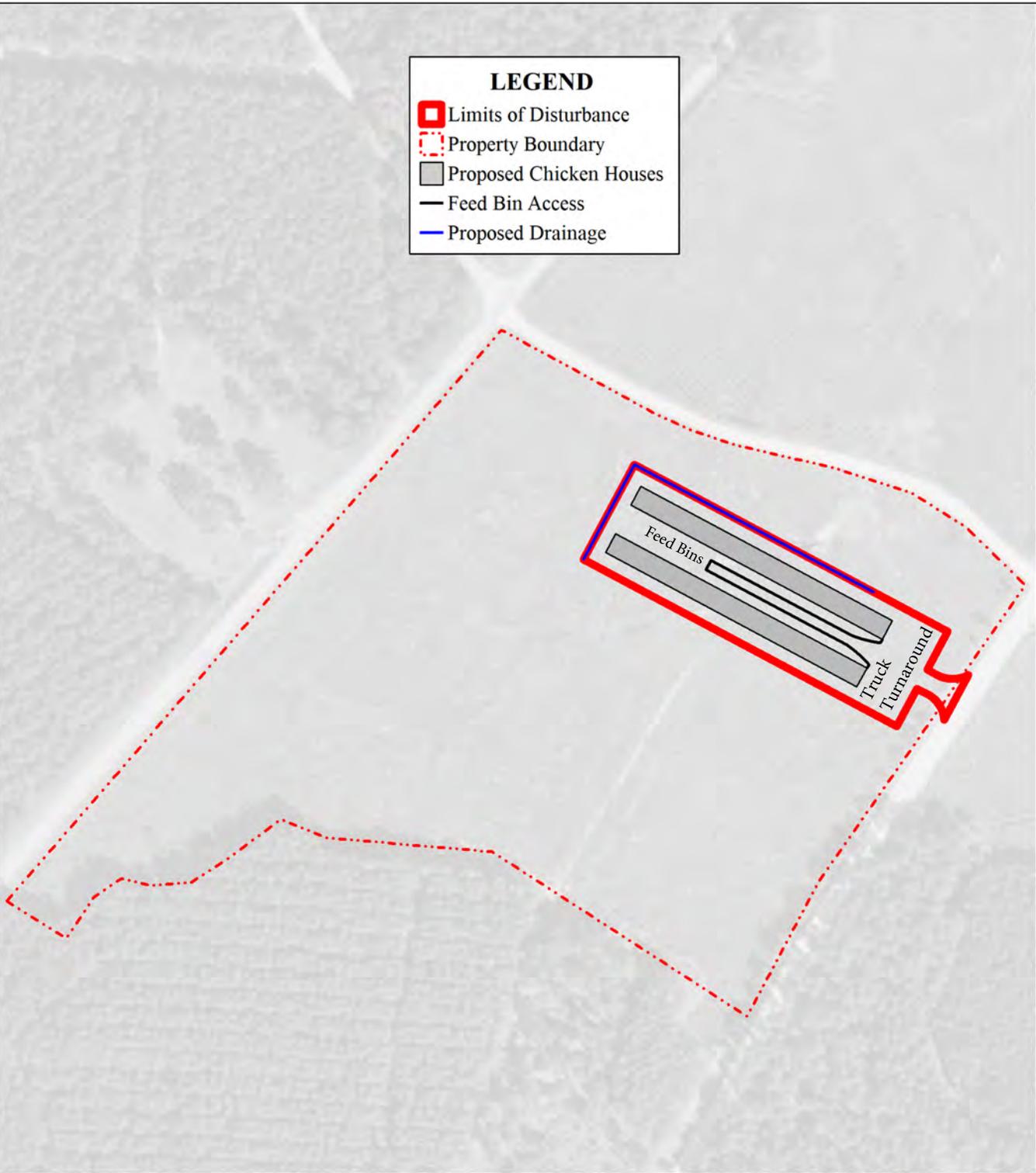
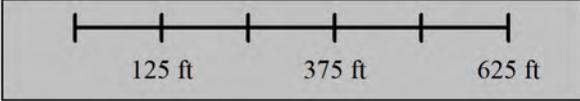


Exhibit 4 - Conceptual Site Plan  
Zach Hammack Chicken Houses  
Calhoun Co., AR  
December 2023



**Rowden Consulting, LLC**  
Environmental Services

**LEGEND**

-  Impacts to Waters
-  Limits of Disturbance
-  Property Boundary
-  Proposed Chicken Houses
-  Wetlands
-  Feed Bin Access
-  Proposed Drainage
-  Section Line

Wetland Loss: 0.62 acres

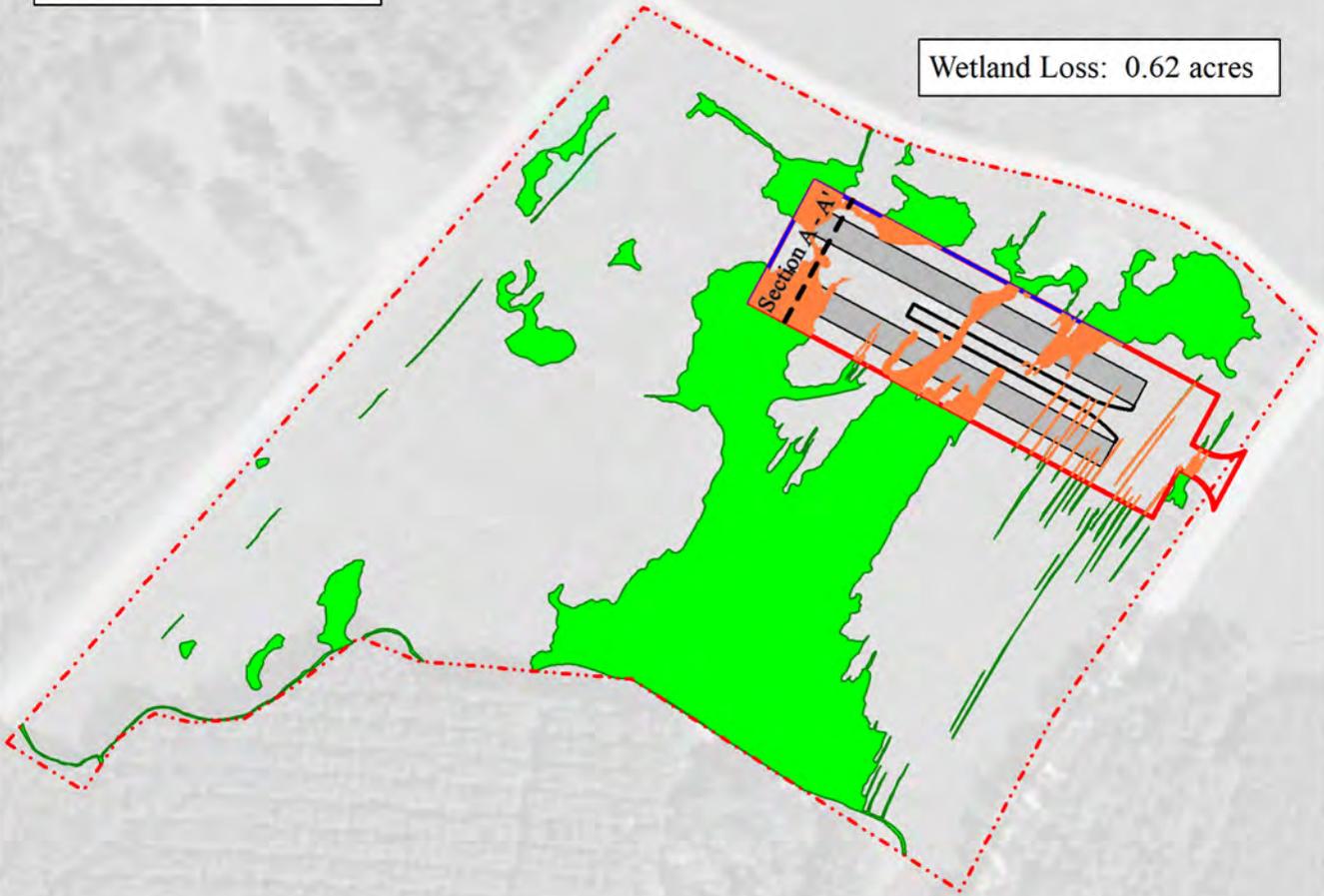
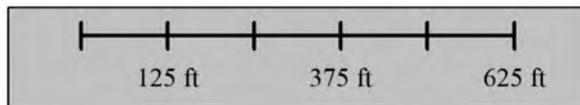
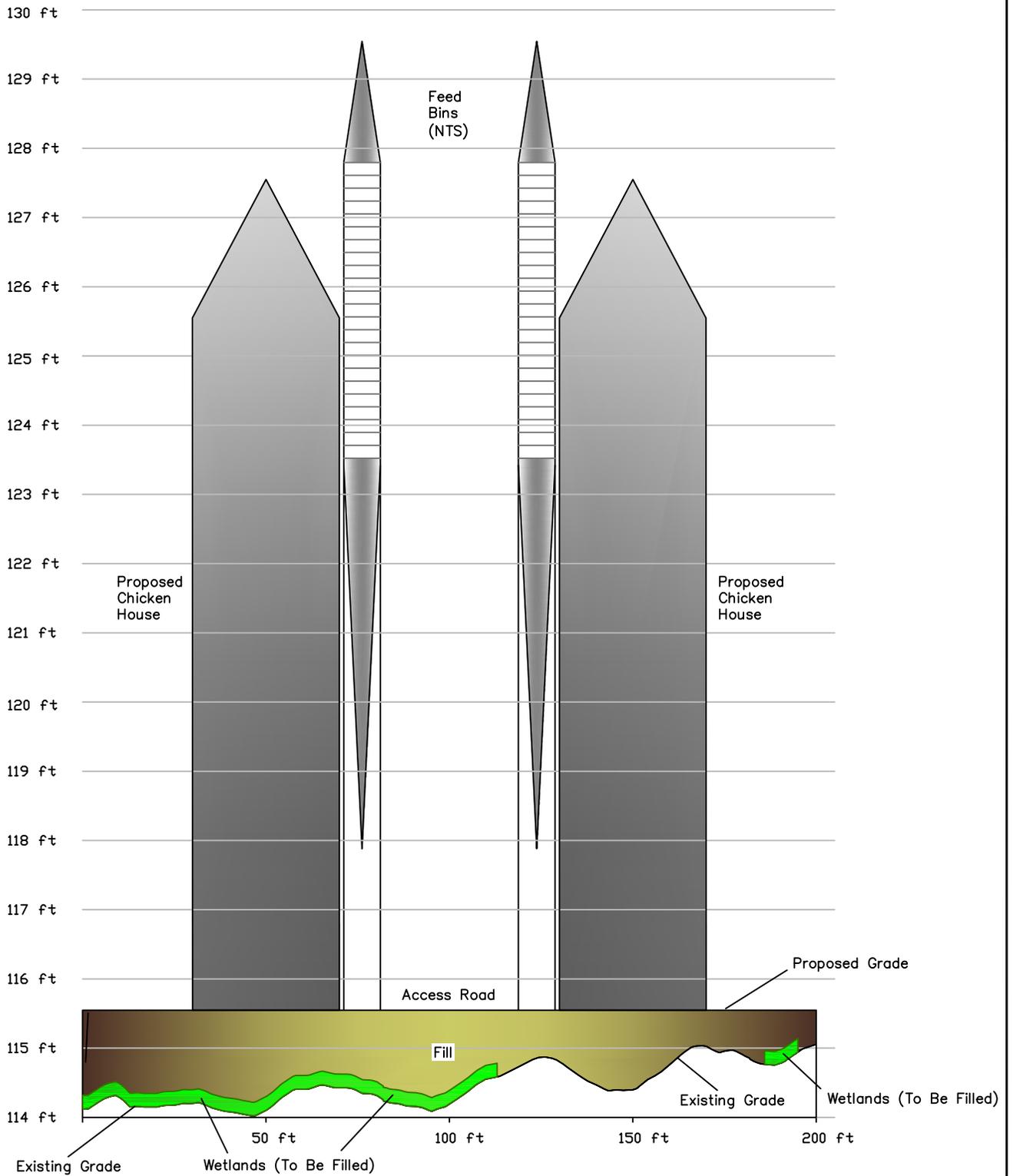


Exhibit 5 - Impacts to Waters  
Zach Hammack Chicken Houses  
Calhoun Co., AR  
December 2023



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SCALE: 1" = 40'  
(NTS Vert.)

Section A - A'

EXHIBIT NO.

6

Zach Hammack Chicken Houses  
Calhoun Co., AR  
December 2023



**Rowden Consulting, LLC**  
Environmental Services  
P.O. Box 978 - Bullard, TX - 75757

PROJECT NO.  
23.059

DATE  
December 2023

PROJECT MGR.  
jwr

PROJECT TECH  
jwr