

APPLICATION NO. **SWL-2009-00185-1**

JOINT PUBLIC NOTICE
CORPS OF ENGINEERS - STATE OF MISSOURI
(21-Day Comment Period)
(Comment Expiration Date – June 13, 2012)

TO WHOM IT MAY CONCERN: **Comments are invited on the work described below. Please see the Public Involvement section for details on submitting comments.**

Point of Contact. If additional information is desired, please contact the project manager, Mr. Louis Clarke, telephone number: (870) 886-3610, mailing address: Little Rock District Corps of Engineers, Walnut Ridge Regulatory Field Office, PO Box 865, Walnut Ridge, Arkansas 72476-0865; email address: Louis.E.Clarke@usace.army.mil.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Mr. Ed Baker
Route 1, Box 34E
Ellsinore, Missouri 63937**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with constructing a 56-foot-tall dam to create a 100-acre lake. The proposed lake would impact approximately 4,980 linear feet of stream. The construction of the proposed dam would impact 324 linear feet of stream from the placement of 432 cubic yards of material below the ordinary high water mark, and 4,656 linear feet of streambed due to inundation. The proposed project is located on Hogan Hollow Creek, in sections 11 and 14, T. 25 N., R. 3 E., east of Grandin, Carter County, Missouri.

The basic purpose of the project is to provide water for the irrigation of adjacent agricultural fields. The overall project purpose is to construct a 100-acre lake, which would be used for recreational activities and as an aesthetic feature, in addition to its use as a supply of water for irrigation. The construction of the lake is a water dependent activity.

The applicant proposes to provide permittee-responsible, on-site, in-kind mitigation. The dam includes a minimum flow design that would mimic natural hydrology when the lake level is within one foot of the full pool elevation.

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The location and general plan for the proposed work are shown on the enclosed sheets.

Water Quality Certification. By copy of this public notice, the applicant is requesting certification from the Missouri Department of Natural Resources that the operation of the proposed facility will apparently not violate the existing water quality criteria of the State of Missouri. The Commission hereby gives notice of its intent to certify this construction. A Corps of Engineers permit will not be issued until such certification has been granted. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources.

Cultural Resources. A Corps staff archeologist will review topographic maps, the National Register of Historic Places, and other data on reported sites in the area. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

Endangered Species. Our preliminary determination is that the proposed activity will not affect listed Endangered Species or their critical habitat. A copy of this notice is being furnished to the U.S. Fish and Wildlife Service and appropriate state agencies and constitutes a request to those agencies for information on whether any listed or proposed-to-be-listed endangered or threatened species may be present in the area which would be affected by the proposed activity.

Flood Plain. We are providing copies of this notice to appropriate flood plain officials in accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Flood Plain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal Regulations (CFR) 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **June 13, 2012**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in 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 proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be

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balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal 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, flood plain 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; Indian 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.

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 public hearings shall state, with particularity, the reasons 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.

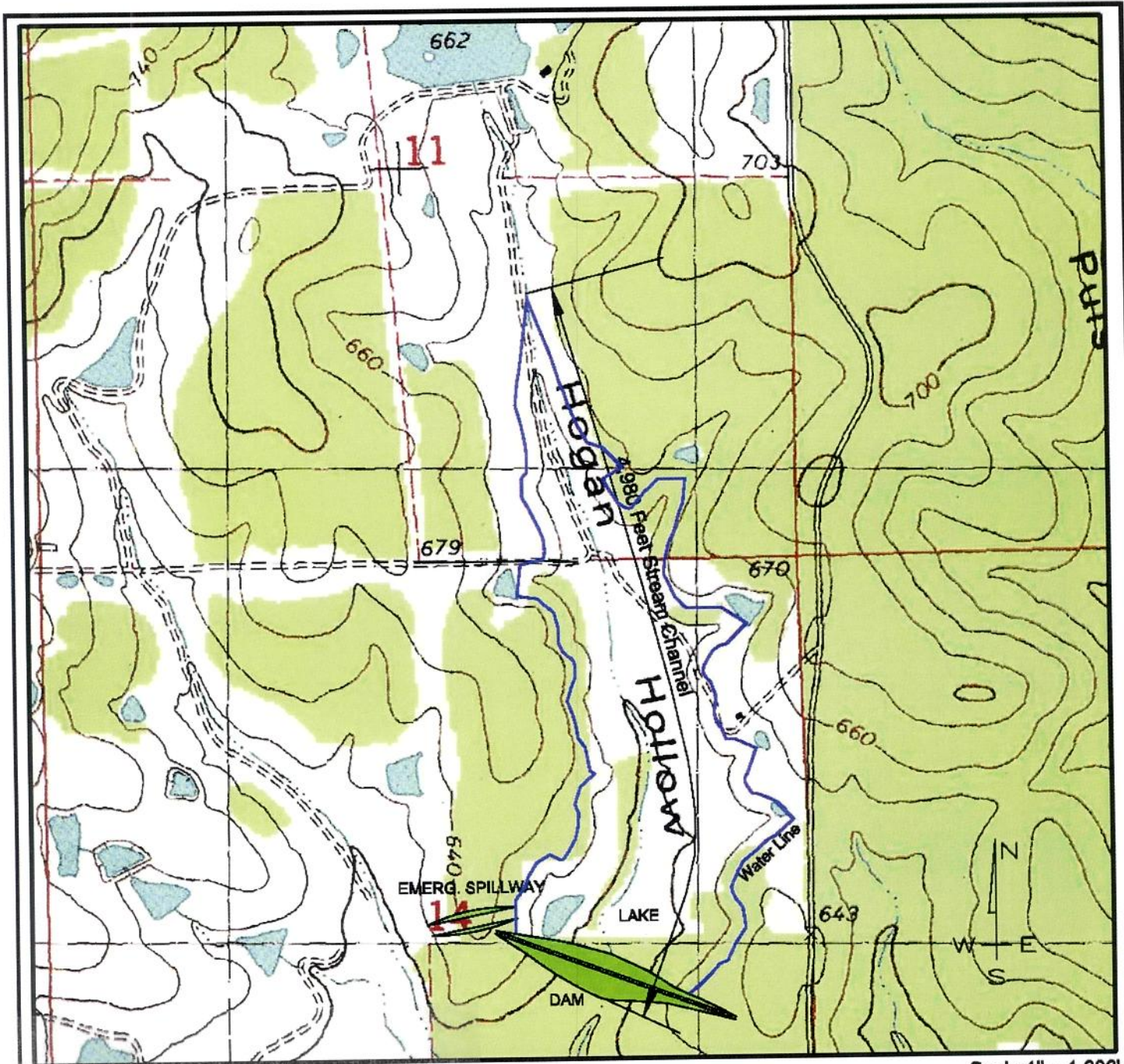
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and also includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

Enclosure

Approximate Coordinates of Project Center

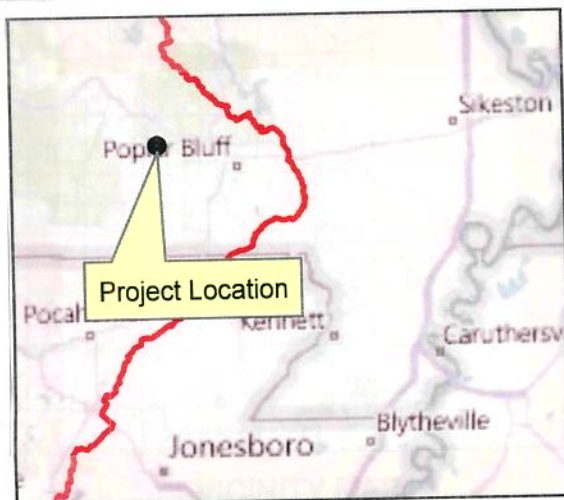
Latitude: **36.81941** Longitude: **-90.70352**

UTM Zone: **15** North: **4077295** East: **704825**



GENERAL PLAN

Scale 1" = 1,000'



**PROPOSED ED BAKER LAKE DAM
on
HOGAN HOLLOW CREEK**

ACTION NO. 2009-00185-1
Mr. Ed Baker, 100-acre Lake
Proposed Dam and Lake Construction
Hogan Hollow Creek, Carter Co., MO
May 2012

Sheet 1 of 4



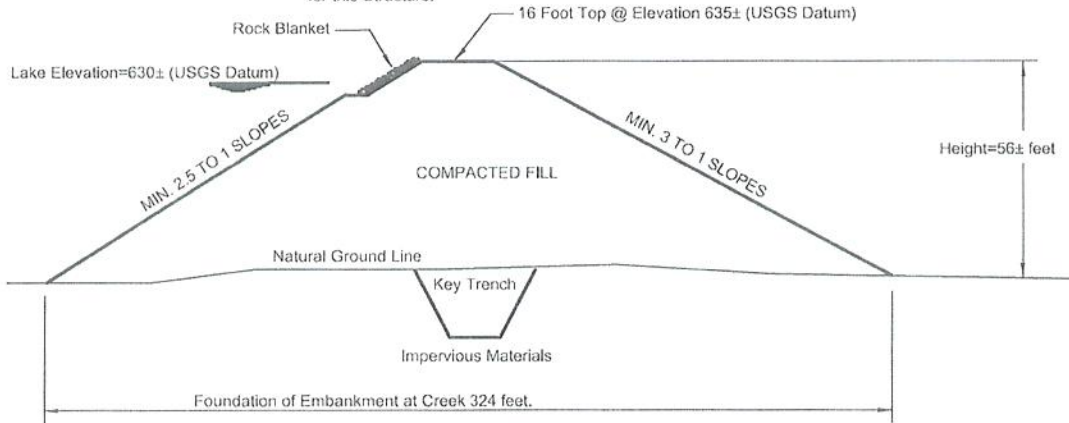
Location of Lake

ACTION NO. 2009-00185-1
Mr. Ed Baker, 100-acre Lake
Proposed Dam and Lake Construction
Hogan Hollow Creek, Carter Co., MO
May 2012 Sheet 2 of 4

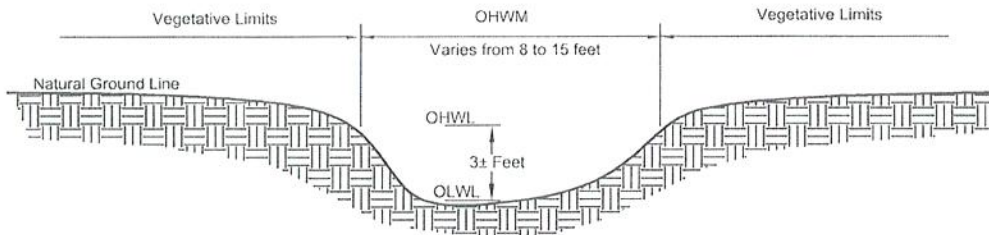
4,400

Feet

NOTE: A Geotechnical analysis will establish the required embankment slopes that have a factor of safety required by the Missouri Dam and Reservoir Safety Council of MO DNR for this Structure.

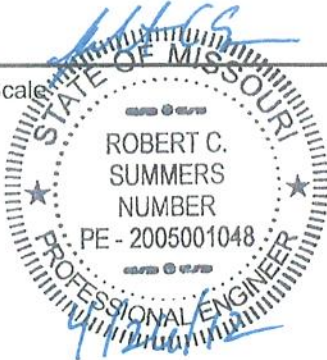


TYPICAL SECTION DAM

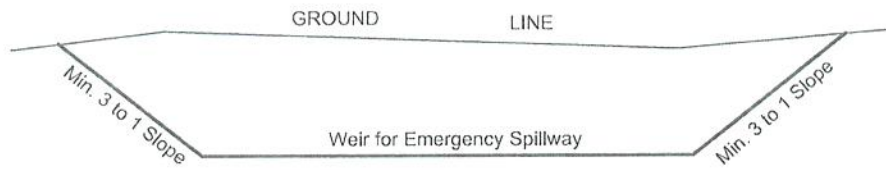


TYPICAL SECTION CREEK CHANNEL

No Scale

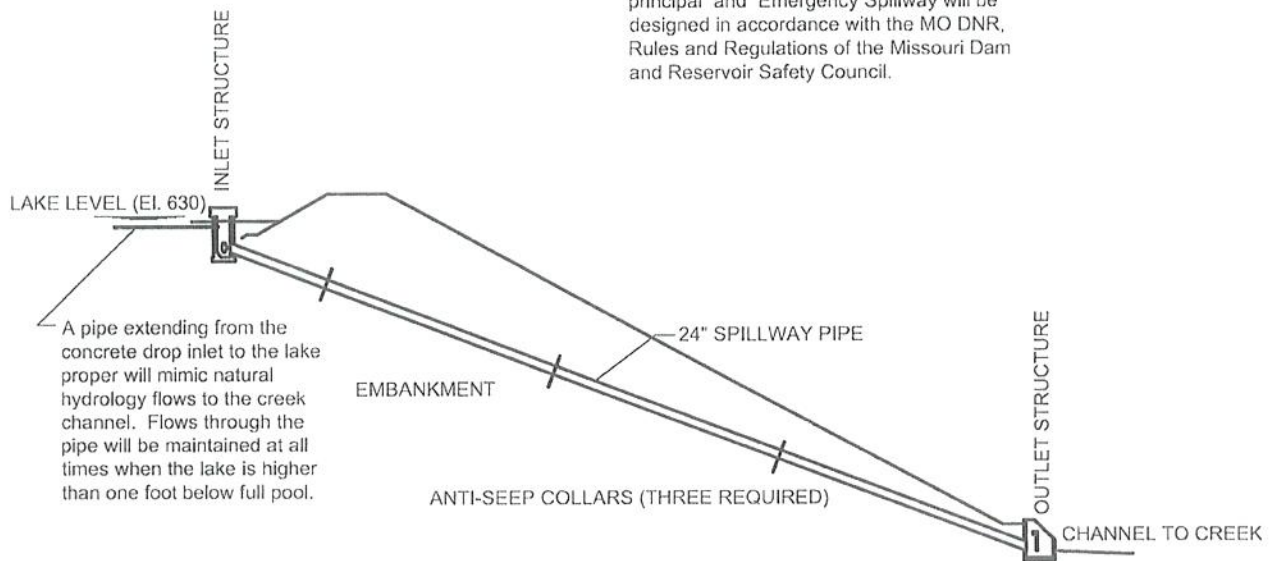


PROPOSED ED BAKER LAKE DAM
on
HOGAN HOLLOW CREEK



EMERGENCY SPILLWAY
Section along centerline of Spillway

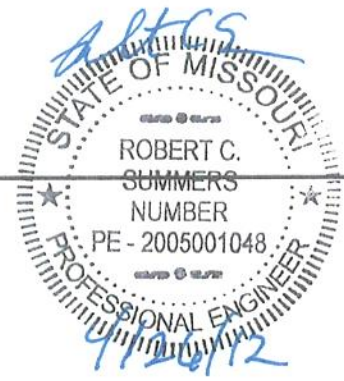
NOTE: Flood flows passing through the principal and Emergency Spillway will be designed in accordance with the MO DNR, Rules and Regulations of the Missouri Dam and Reservoir Safety Council.



PRINCIPAL SPILLWAY
Section along centerline of Spillwayw

No Scale

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on
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