



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2019-00289

Date: November 2, 2020

Comments Due: November 27, 2020

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 regulator, Chris Wrbas, telephone number: (870) 886-3610, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Christopher.R.Wrbas@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. Matthew Mendenhall
Departee Creek Watershed Improvement District
801 Fairway Circle
Springdale, Arkansas 72764**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with construction of a dam. The dam will be approximately 1,800 linear feet wide by 50 linear feet tall. The proposed project is located in Departee Creek, in the NE 1/4 of section 15, T. 11 N, R. 5 W, Huff, Independence County, Arkansas.

The project purpose is to provide flood control benefits along with improved wildlife, fisheries, waterfowl and recreation benefits onsite and downstream.

Impacts from the project will result in approximately 0.5 acres of fill into 453 linear feet of the Departee Creek channel. Inundation impacts will occur in 12,933 linear feet of Departee Creek and 8,649 linear feet of Bailey Creek. The proposed creation of this lake will result in approximately 31,292 feet of ecotone at the edge of the permanent pool. This ecotone will become a transition zone consisting of mudflats and shrub/scrub habitat between the water's edge and the terrestrial habitat. Environmental benefits are many and include benefits to terrestrial wildlife and created habitat for waterfowl, shorebirds, wading birds, neotropical migrants, fish, amphibians and aquatics along with long term improvements to water quality onsite and downstream.

The sponsors offer this project as self-mitigating in consideration of these added environmental benefits by the construction of this floodwater detention structure, the sponsors offer this project as self-mitigating. The project will create a 138-acre permanent open water wetland that will have many environmental benefits.

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

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 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 Water Quality Planning Branch of the Arkansas Department of Energy and Environment, Division of Environmental Quality (certifying authority). In accordance with Certification Rule Part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

Cultural Resources. A Corps staff archeologist will evaluate the proposal for compliance with Section 106 of the National Historic Preservation Act, including identification and evaluation of cultural resources potentially impacted by the proposal's implementation in waters of the United States. 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.

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.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain 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 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 **November 27, 2020**. 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 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, floodplain 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 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.

Enclosures

Approximate Coordinates of Project Center

Latitude: 35.572 Longitude: -91.527

UTM Zone: 15N North: 633476.412602 East: 3937476.917504



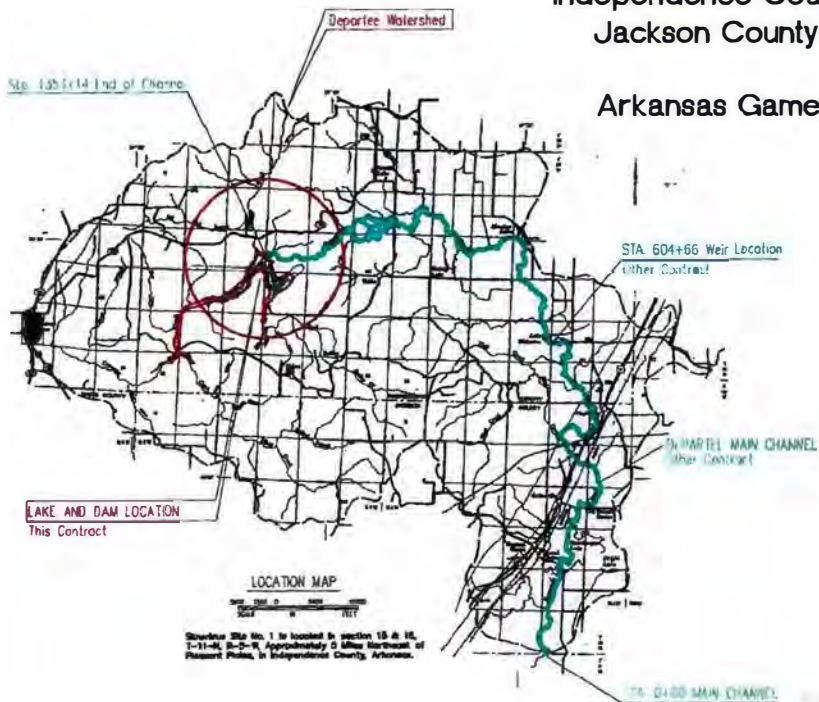
UNITY MAP



United States Department of Agriculture
Natural Resources Conservation Service

Floodwater Retarding Structure Site No. 1 Departee Creek Watershed Project

in
Independence County, Arkansas
Sponsors by
Departee Creek Watershed Improvement District
Independence County Conservation District
Jackson County Conservation District
And
Arkansas Game and Fish Commission



INDEX OF DRAWINGS	
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9.	IMPACT BASIN - PLAN AND SECTIONS
10.	PIPE DETAILS AND CRADLE DETAILS
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32.	FENCE DETAILS
33.	BRONZE PLAQUE AND MONUMENT
34-39.	PROFILE FOR GEOLOGIC INVESTIGATION SHEETS

Construction Drawings Approved

State Conservation Engineer
Wait Delp, PE

Date	7/78
Designed	J.T.S.
Drawn	A.L.M.
Checked	S.A.
Approved	M.S.

COVER SHEET AND LOCATION MAP
DEPARTEE CREEK WATERSHED PROJECT
FLOODWATER RETARDING STRUCTURE SITE NO. 1
IN
INDEPENDENCE COUNTY, ARKANSAS



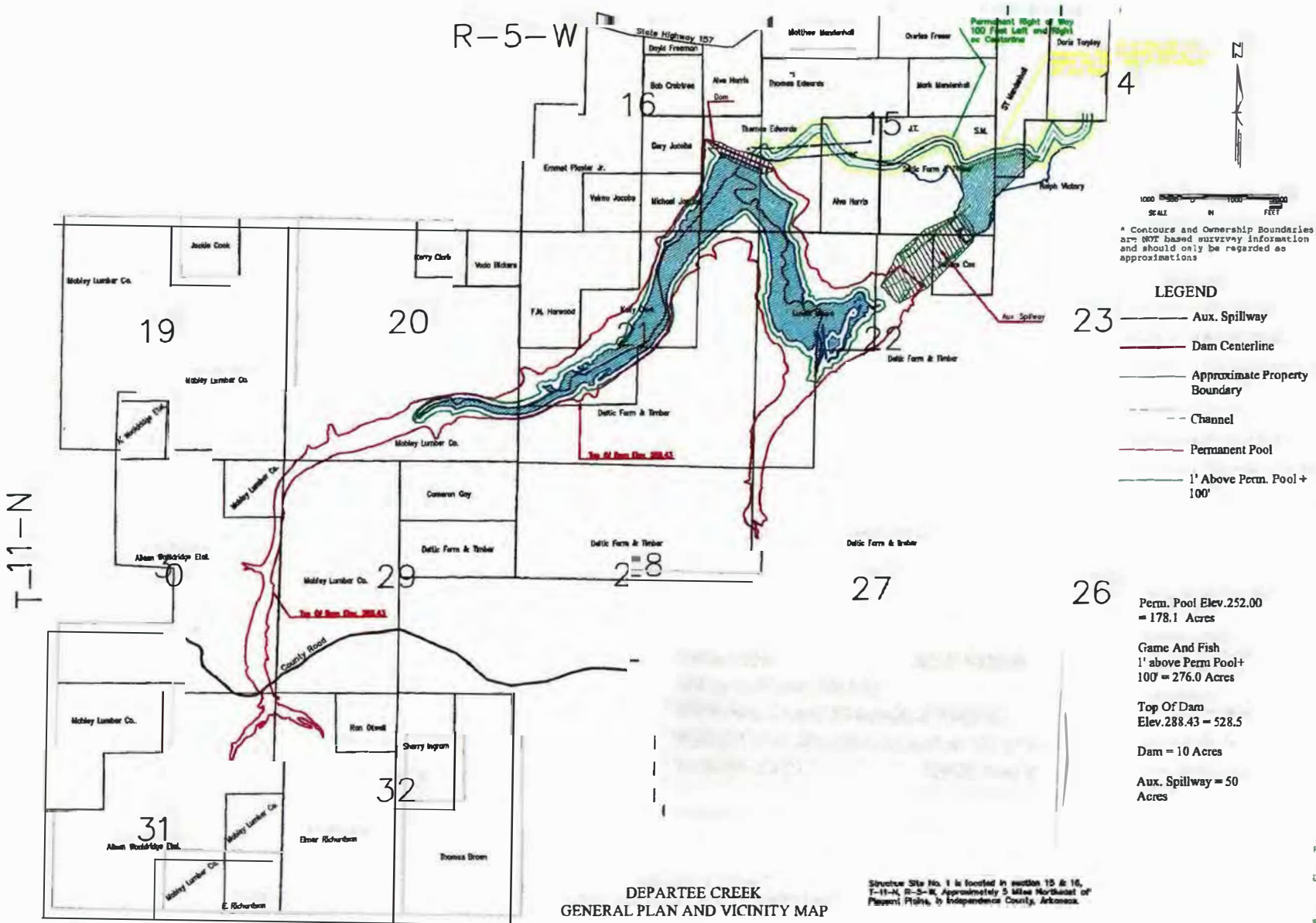
File No.

Drawing No.

DC Fence Details

DEPARTEE CREEK Sheet 1 of 39

Action No. 2019-00289
Independence County
Departee Creek Watershed Project
Natural Resource Conservation Service
November 2020
Sheet 1 of 5



Date: 1/20
 Designed: KLL
 Drawn: MJA
 Check: MJA
 Approved: MJA

1000 500 0 500 1000
 SCALE IN FEET

- LEGEND**
- Aux. Spillway
 - Dam Centerline
 - Approximate Property Boundary
 - - - Channel
 - Permanent Pool
 - 1' Above Perm. Pool + 100'

Perm. Pool Elev. 252.00
 = 178.1 Acres

 Game And Fish
 1' above Perm Pool +
 100' = 276.0 Acres

 Top Of Dam
 Elev. 288.43 = 528.5

 Dam = 10 Acres

 Aux. Spillway = 50
 Acres

GENERAL PLAN OF RESERVOIR
 DEPATTEE CREEK WATERSHED PROJECT
 FLOODWATER RETARDING STRUCTURE SITE NO. 1
 IN
 INDEPENDENCE COUNTY, ARKANSAS



DEPATTEE CREEK
 GENERAL PLAN AND VICINITY MAP

Structure Site No. 1 is located in sections 15 & 16,
 T-11-N, R-5-W, Approximately 5 Miles Northeast of
 Pleasant Plains, in Independence County, Arkansas.

File No.

 Drawn: No
 general plan
 Sheet 2 of 39

STORAGE DATA TABLE			
ELEVATION	SURFACE ACRES	STORAGE	
		ACRE FEET	INCHES
238.0	0	2.1	0
240.0	0	17.1	0
242.0	0	65.4	0
244.0	0	168.8	0
246.0	0	333.4	0
248.0	0	537.6	0
250.0	0	781.2	0
252.0	0	1067.7	0
254.0	0	1405.1	0
256.0	0	1806.0	0
258.0	0	2266.3	0
260.0	0	2777.9	0
262.0	0	3352.5	0
264.0	0	3991.9	0
270.0	0	5689.1	0
280.0	0	10148.2	0
290.0	0	15624.4	0
300.0	0	22448.7	0
320.0	0	41464.0	0
340.0	0	66472.7	0
Top of Dam (effective) Elevation			298.13
Emergency Spillway Crest Elevation			276.34
Principal Spillway High Stage Elevation			252.0
Principal Spillway Low Stage Part Elevation			248.0
Sediment Pool Elevation (100 Year)			0
Drainage Area, Acres			0
Sediment Storage, Acre Feet			0
Approved Storage, Acre Feet			0
Floodwater Storage, Acre Feet			0



Designed: JLS 7/90
 Drawn: B.A.H. 7/90
 Checked: R.L. 7/90
 Approved: M.A. 7/90

PLAN OF EMBANKMENT AND AUX. SPILLWAY
 DEPARTEE CREEK WATERSHED PROJECT
 FLOODWATER RETARDING STRUCTURE SITE NO.1
 IN
 INDEPENDENCE COUNTY, ARKANSAS

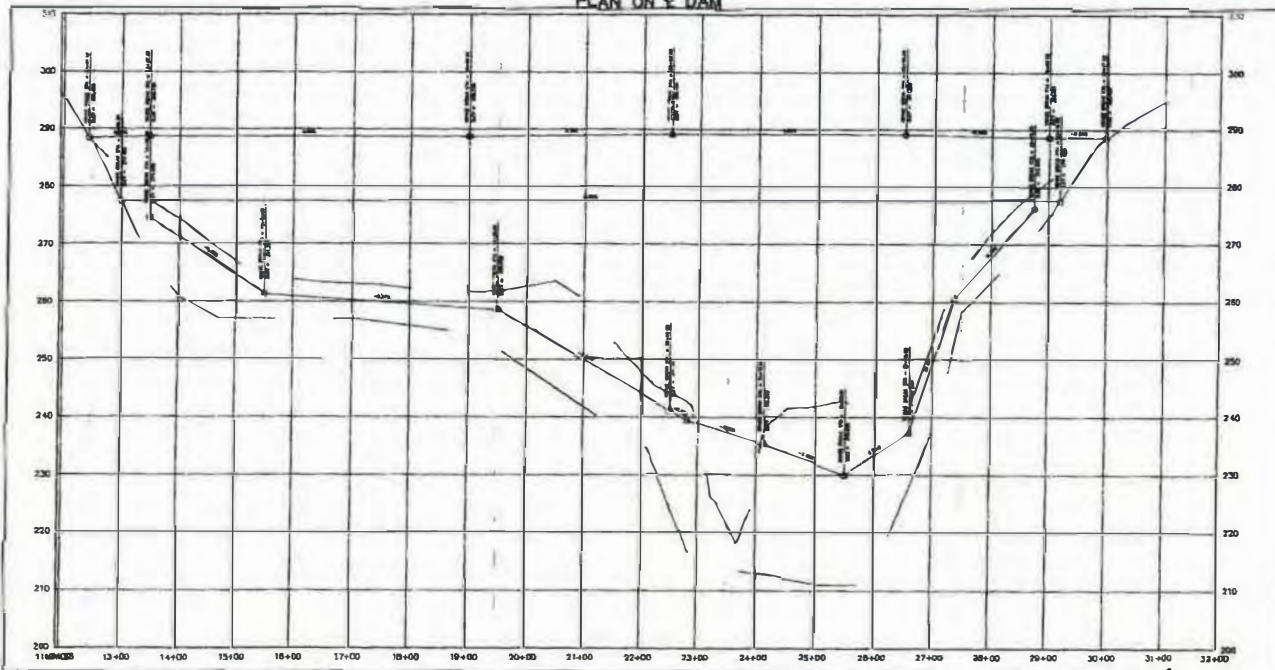


PLAN OF EMBANKMENT AND AUX. SPILLWAY

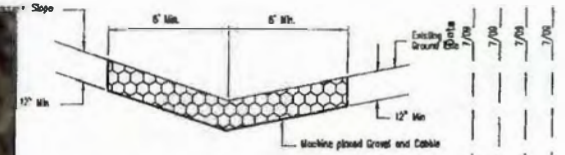




PLAN ON \bar{C} DAM

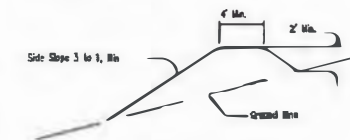


PROFILE ON \bar{C} DAM



ABUTMENT DRAINAGEWAY

Gravel or cobble () to be placed in the valleys of the junction of the abutments and embankment, where drainage is toward the embankment. Cost of abutment drainage way to be subsidiary to Earth Fill, Constructed.



TYPICAL SECTION - DIVERSION

Diversion shown on drawings using with spur diversions, to divert runoff from the top of the embankment, to be constructed as stated by the Engineer. Cost of diversion to be subsidiary to Earth Fill, Constructed.

LEGEND

- D — Diversion to be Constructed
- F — Fence to be Constructed
- R — Existing Fence to be removed
- X — Existing Fence

NOTES

Emergency spillway (diversion) - 24" effective height, 3 to 1 side slope, minimum top width 4'. Cost of diversion to be subsidiary to Earth Fill, Constructed.

Over-embankment floor of emergency spillway 6"

Spur Diversion to be constructed as stated by the Engineer to divert runoff from top of embankment, cut slopes, and emergency spillway slopes, to be considered subsidiary to Earth Fill, Constructed. 24" effective height, 3 to 1 side slope, minimum top 4'.

Stream channel within embankment area to be cleared of objectionable material. Minimum section to have 12" bottom width and 3 to 1 side slopes.

Fence: Place 60 posts and deadends where ground line is 1' above Principal Spillway Crest. Continue with loose wire fence to 4' below Principal Spillway Crest. Loose wire fence posts of wood to be set in concrete.

CUTOFF TRENCH

Excavate Cutoff Trench to approximate limits shown with 12" bottom width and the following side slopes:

- Sta 28+00 to Sta 41+50, side slopes = 1 to 1
- Sta 41+50 to Sta 44+75, Transition
- Sta 44+75 to Sta 42+25, side slopes = 3 to 1
- Sta 42+25 to Sta 43+25, Transition
- Sta 43+25 to Sta 33+25, side slopes = 1 to 1

Designed	JLS	7/08
Drawn	EJA	7/08
Checked	AB	7/08
Approved	WD	7/08

PLAN AND PROFILE - EMBANKMENT
DEPARTEE CREEK WATERSHED PROJECT
FLOODWATER RETARDING STRUCTURE SITE NO.1
IN
INDEPENDENCE COUNTY, ARKANSAS

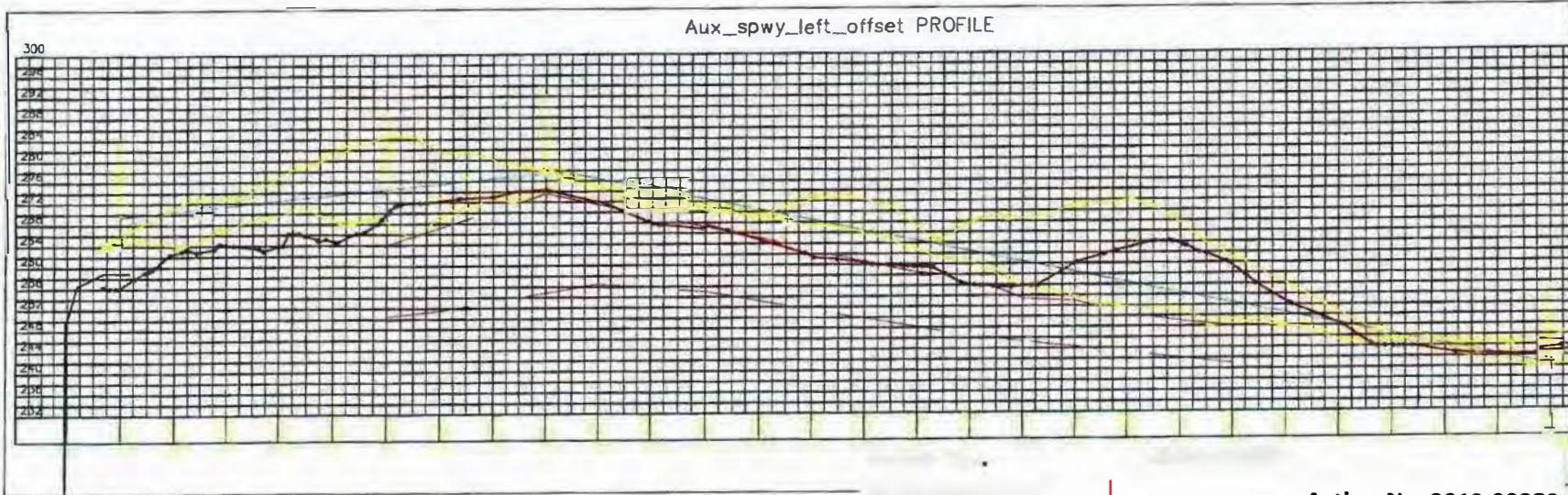


File No.
Drawing No.



Date 1/20
 Designed JLS
 Drawn RJM
 Checked LF
 Approved BO

PLAN AND PROFILE - AUX. SPILLWAY
 DEPARTEE CREEK WATERSHED PROJECT
 FLOODWATER RETARDING STRUCTURE SITE NO.1
 IN
 INDEPENDENCE COUNTY, ARKANSAS



File No.
 Drawing No.
 Sheet 5 of 5

