



US Army Corps
of Engineers®
Little Rock District

JOINT PUBLIC NOTICE

CORPS OF ENGINEERS – STATE OF ARKANSAS

Application Number: 1981-02758-6

Date: July 26, 2016

Comments Due: August 22, 2016

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, Christopher G. Davies, telephone number: (501) 324-5295, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Christopher.G.Davies@usace.army.mil

Project Information. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403) and Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

**Donna Fill, Incorporated
PO Box 9054
North Little Rock, Arkansas 72119**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the continuation of their commercial sand and gravel dredging operations. The operation is located on the Arkansas River, between Navigation Miles 108.7 and 111.7 upstream of David D. Terry Lock and Dam, in Pulaski County, Arkansas. A commercial dredging permit has been authorized in this reach of the Arkansas River since 1981, and authorizes dredging both within the navigation channel and within an area adjacent to the navigation channel. The permit would be extended for a period of five (5) years, through December 31, 2021.

The basic purpose of the project is to provide sand and gravel for commercial use. The overall purpose of the project is to perform dredging of the McClellan-Kerr Arkansas River Navigation System within and outside the river's navigation channel. The project is water dependent.

Material is gathered from the riverbed by using a suction-classifier dredge and is sorted on board. All unwanted material is returned directly to the excavated site. The desired material is then placed onto barges, towed to shore, and unloaded for commercial use.

The Little Rock Regulatory Division does not typically require mitigation for Standard Permits specific to Section 10 activities, such as dredging. Due to these established standard operating procedures and the minor impacts of the project, no mitigation would be required if the authorization is extended.

The location and general plan for the proposed work are shown on the enclosed sheets, 1 through 3 of 3, dated July 2016.

Water Quality Certification. By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality (ADEQ) in accordance with Section 401(a)(1) of the Clean Water Act. Upon completion of the comment period and a public hearing, if held, a determination relative to water quality certification would be made. Evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit.

Cultural Resources. A Corps staff archeologist would 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.

Endangered Species. Our preliminary determination is that the proposed activity would 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 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 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 **August 22, 2016**. 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: **34.69561** Longitude: **-92.15037**

UTM Zone: **15** North: **3839617** East: **577817**

Application No. 02758-5. Dredging authorized both within and adjacent to the navigation channel.



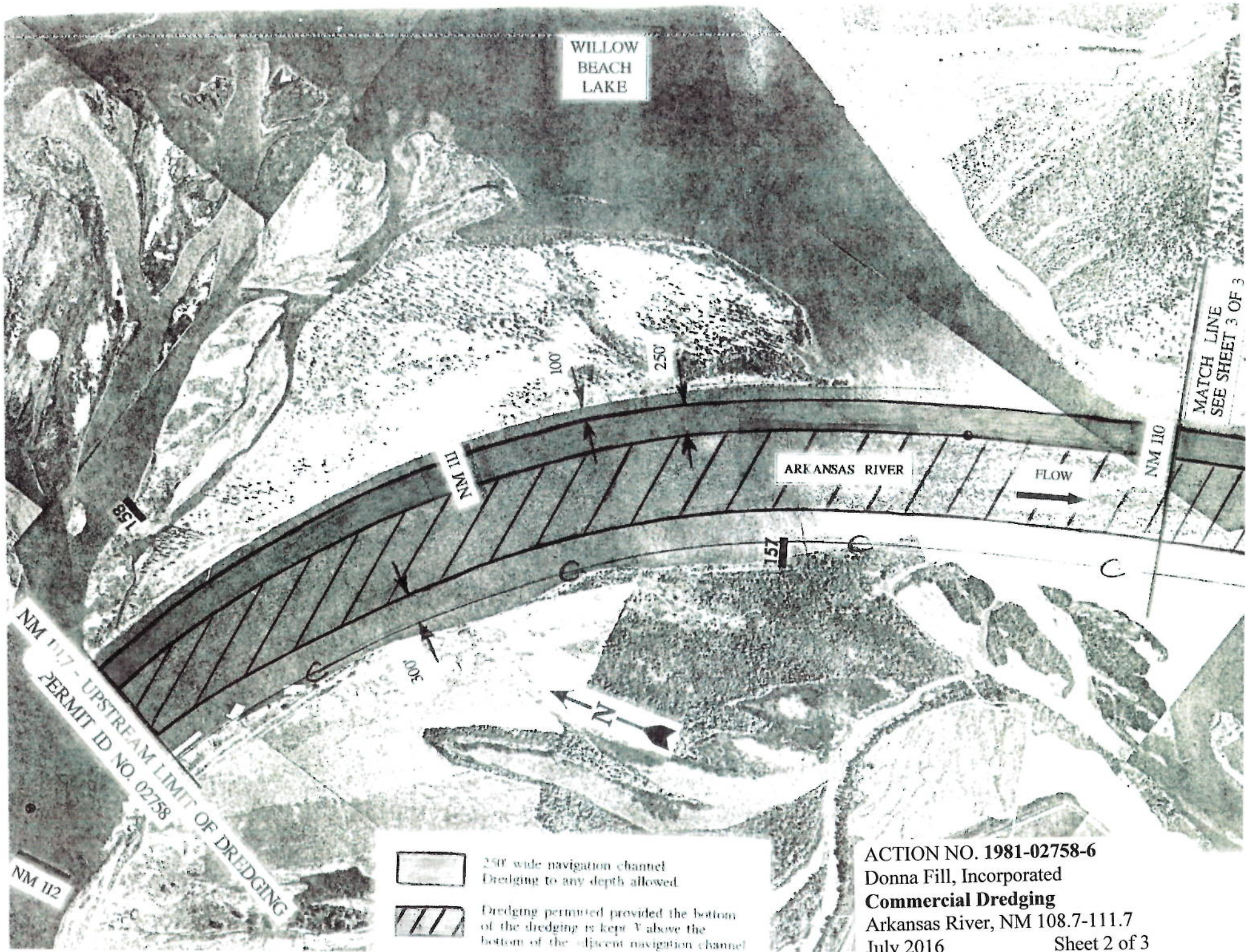
Upper Limit of Project Area

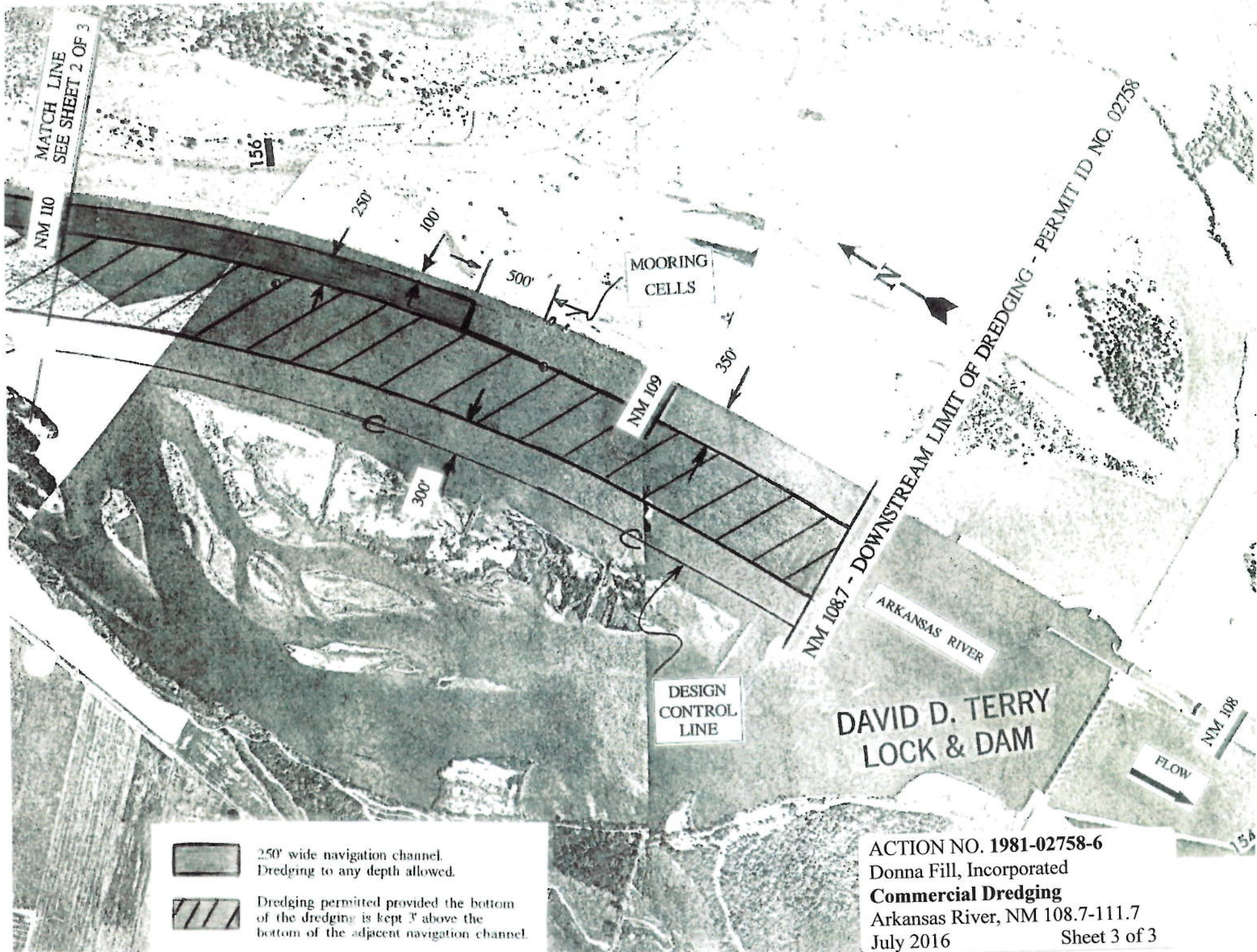
Lower Limit of Project Area

ACTION NO. 1981-02758-6
Donna Fill, Incorporated
Commercial Dredging
Arkansas River, NM 108.7-111.7
July 2016 Sheet 1 of 3

0 2,000 4,000 Feet
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MATCH LINE
SEE SHEET 2 OF 3

NM 110

156

MOORING
CELLS

NM 109

NM 108.7 - DOWNSTREAM LIMIT OF DREDGING - PERMIT ID NO. 02758

ARKANSAS RIVER



DAVID D. TERRY
LOCK & DAM

DESIGN
CONTROL
LINE

NM 108

FLOW

154

-  250' wide navigation channel.
Dredging to any depth allowed.
-  Dredging permitted provided the bottom
of the dredging is kept 3' above the
bottom of the adjacent navigation channel.

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 Arkansas River, NM 108.7-111.7
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