



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2019-00289-1

Date: December 22, 2022

Comments Due: January 16, 2023

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, Lisa Boyle, telephone number: (501) 340-1385, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Lisa.A.Boyle@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 floodwater retention lake. The proposed project is located in Departee Creek, Bailey Creek, and associated tributaries and wetlands, sections 15, 16, 20, 21, and 22, T. 11 N., R. 5 W., west of Thida, Independence County, Arkansas.

The project purpose is to reduce floodwater damages on the agricultural floodplain of Departee Creek watershed.

The project includes construction of an earthen dam and associated infrastructure to create a floodwater retention lake on Departee Creek. Material from just upstream of the dam location will be utilized for construction of the approximately 55-foot-tall dam. A low flow release will be installed at elevation 248.0 feet to provide an average of approximately 3 cubic feet per second discharge during dry periods. Floodwater will be stored between the crest of the principal spillway (elevation 252.0 feet) and the crest of the vegetated auxiliary spillway (elevation 273.5 feet) and will result in the creation of an approximately 178-acre lake. Arkansas Game and Fish Commission have plans to install an access road, parking lot, boat ramp, and fishing pier for general recreational use.

The site is a mixture of wooded and pasture. The dam itself is sited near the “Fall Line” which separates the Interior Highlands from the Mississippi Alluvial Plain and utilizes the geography of the area to create the dam at a gap formed where Departee Creek has eroded through sandstone strata. Small portions of the area within the footprint of the lake have been timbered.

Approximately 11,670 linear feet of Departee Creek, 5,530 linear feet of Bailey Creek, and an additional 5,418 linear feet of smaller tributaries were identified within the project area.

Additionally, four small wetlands totaling 0.85 acres were identified within either the dam or reservoir area.

Natural Resources Conservation Service (NRCS) is the primary Federal sponsor of this project. An integral component of the overall flood reduction plan is that 944 acres of land along Departee Creek will be placed into perpetual conservation easements. This area will handle flood releases from the lake and will aim to restore wetland functions and values, as the corridor will be restricted to habitat restoration. For the purposes of Section 404 of the Clean Water Act, a portion of this acreage will be required to have a mitigation plan as outlined by the 2008 Mitigation Rule at 33 Code of Federal Regulations §332.4(c). A small spring was noted within the original auxiliary spillway footprint; the project was subsequently redesigned to avoid adverse impacts to the spring.

NRCS originally finalized the Flood Prevention Plan and Environmental Impact Statement for this project in August 2000, with an addendum finalized in August 2001. The EIS was last reaffirmed July 12, 2018.

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 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. NRCS Staff archaeologists have reviewed topographic maps, the National Register of Historic Places, and other data on recorded sites within the area. No historic properties were identified within the footprint. The NRCS entered consultation with Native American Nations, tribal governments, and the State Historic Preservation Officer to re-affirm earlier NRCS-led Section 106 of the National Historic Preservation Act determinations during the project planning process. As the lead Federal agency on this project, the NRCS is responsible for Section 106 compliance within the area of potential effect. 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. NRCS is the lead Federal Agency for NEPA compliance on this project and is currently coordinating efforts with the U.S. Fish and Wildlife Service on an effects determination. 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 **January 16, 2023**. 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.

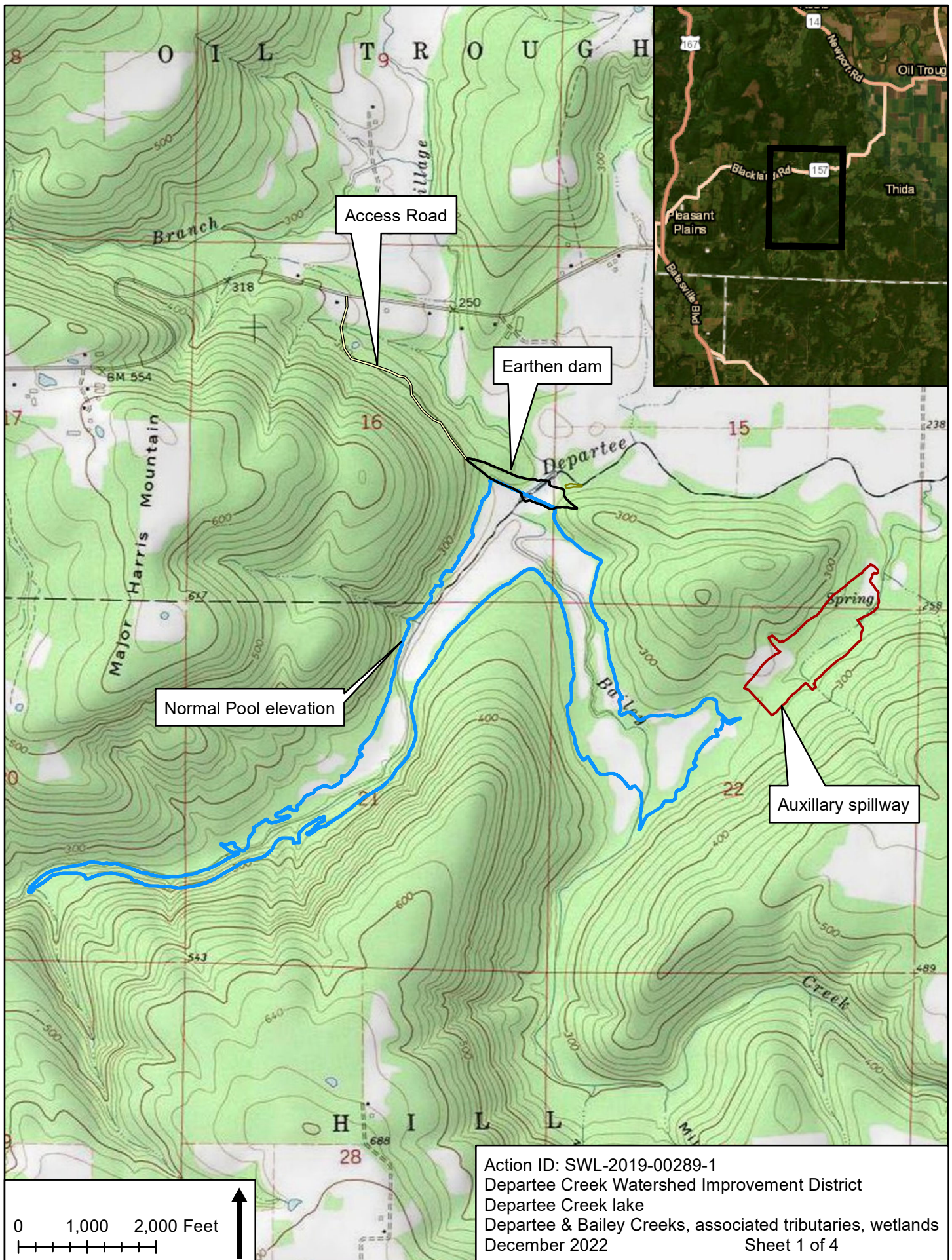
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

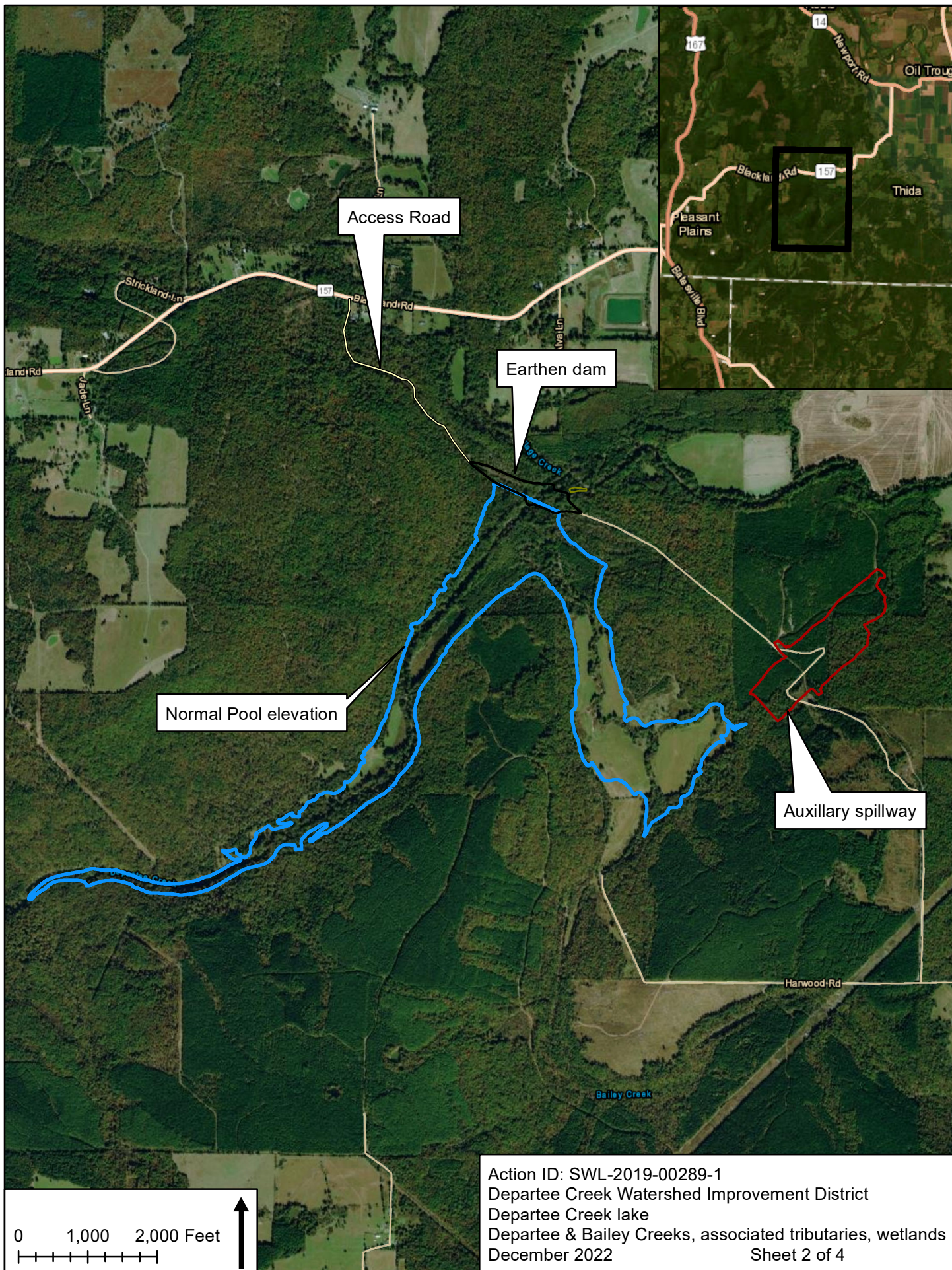
Enclosures

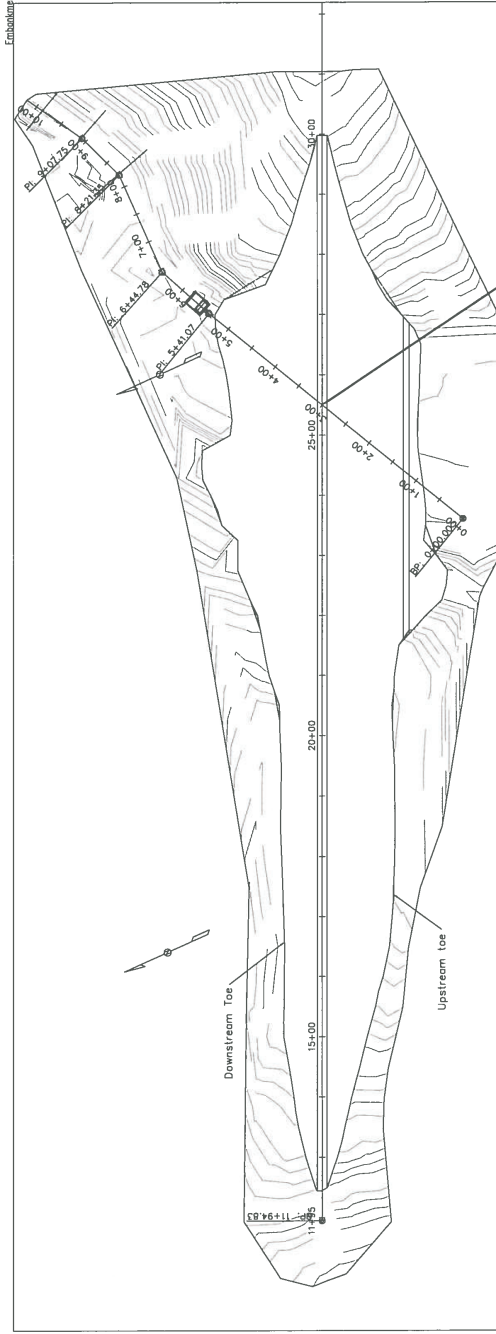
Approximate Coordinates of Project Center

Latitude: **35.575093** Longitude: **-91.529134**

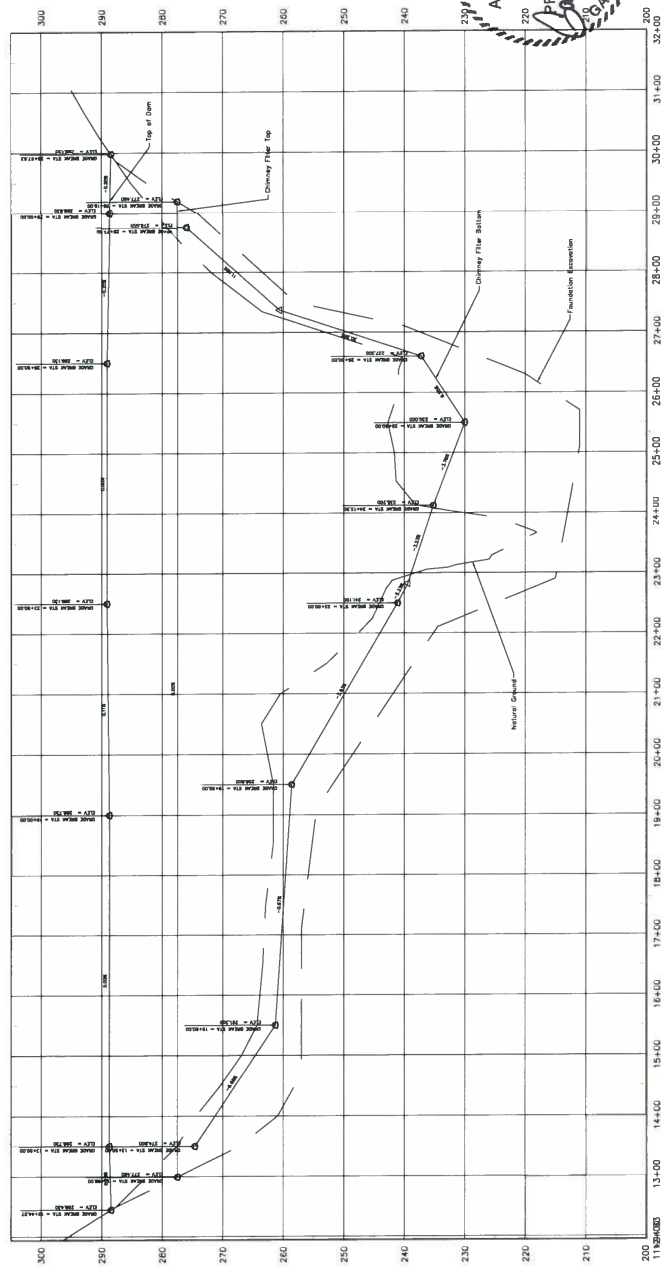
UTM Zone: **15N** North: **3937894** East: **633281**



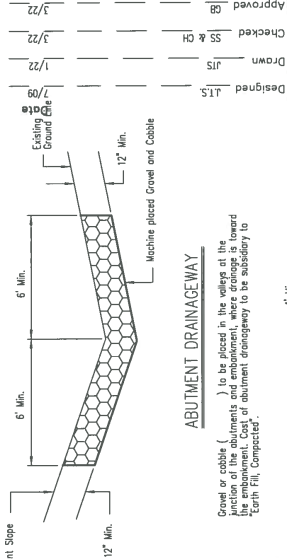




PLAN ON & DAM



PROFILE ON & DAM



ABUTMENT DRAINAGE WAY

Gravel or cable () to be placed in the valley at the intersection of the drainage way and the abutment. The drainage way shall be constructed to the abutment. Cost of abutment drainage way to be subsidiary to Earth Fill, Compacted.



TYPICAL SECTION - DIVERSION

Diversion shown on drawings slope with your diversions, to divert runoff from the face of the embankment, to be constructed as staked by the Engineer. Cost of diversion to be subsidiary to Earth Fill, Compacted.

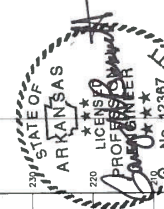


NOTES:

- Emergency spillway Diversion : 24" effective height, 3 to 1 side slope, minimum top width 4'. Cost of diversion to be subsidiary to Earth Fill, Compacted.
- Over-excavate floor of emergency spillway 12'.
- Spur Diversions to be constructed as staked by the Engineer to divert runoff from face of embankment, cut slopes, and emergency spillway. Diversion shall be constructed to the abutment. Cost of diversion to be subsidiary to Earth Fill, Compacted.
- Stream shown within embankment area to be closed of objectionable material. Minimum section to have 12' bottom width and 3 to 1 side slopes.
- Fence : Place endpost and decision 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 3:1 side slopes and the following bottom widths:
- Sta.12+45 to Sta.21+50, 16' bottom width
- Sta.21+50 to Sta.21+75, Transition
- Sta.21+75 to Sta.28+75, 16' bottom width with so slopes daylight
- Sta.28+75 to Sta.27+00, Transition
- Sta.27+00 to Sta.29+51, 16' bottom width



11-16-22

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

United States Department of Agriculture
Natural Resources Conservation Service
USDA NRCS
File No.
Drawing No.

