



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-1990-06601-1

Date: May 20, 2022

Comments Due: June 14, 2022

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, Cynthia Blansett, telephone number: (501) 340-1370, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Cynthia.W.Blansett@usace.army.mil

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

**James Fork Regional Water District
PO Box 1180
Greenwood, Arkansas 72923**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with construction of a 230-acre lake. This will be the Phase II expansion of their existing lake. The project would include construction of two earthen dams, with a principal spillway and an emergency spillway. The depth of the lake would be approximately 45 feet. The proposed project is located in James Fork Creek, Posey Creek, and unnamed tributaries of Cherokee Creek, in sections 19 and 20, T. 4 N., R. 31 W., Sebastian County, Arkansas.

The project purpose is to create an additional water supply for approximately several hundred customers of the James Fork Regional Water District in Sebastian and Scott Counties, Arkansas.

The proposed lake would be constructed on property owned by James Fork Regional Water District (JFRWD). The project would include the construction of two earthen dams. The western Dam would include placing approximately 2,211 cubic yards of fill in James Fork Creek. The Eastern Dam would include placing 442 cubic yards of fill in an unnamed tributary of Cherokee Creek. The total earth fill would be approximately 945,000 cubic yards for both of the dams.

The drainage area for the lake would be 1.4 square miles. The drainage area for the existing lake is 10.2 square miles for a total of 11.6 square miles for the two lakes combined. The maximum depth of the lake would be approximately 45 feet, and the property to be utilized would be approximately 600 acres.

The proposed project would result in permanent impacts to wetland and stream resources, including approximately 11.3 acres of open water, 5.7 acres of emergent wetlands habitat, and 10,450 linear feet of ephemeral, intermittent, and perennial streams.

JFRWD has been in existence since 1969. In 1990, they received the required permits to construct a dam and reservoir on James Fork of the Poteau River. Their system has grown and now serves over 5,000 individual customers and the Cities of Mansfield, Hartford, Huntington, Hackett, and the Milltown-Washburn Water Users Association. The JFRWD service area extends from the southern edge of Fort Smith to the southern border of Scott County. Their system consists of James Fork Lake that has a firm net yield of 3.4 million gallons per day (MGD), a water treatment plant capable of treating 3.6 MGD, a distribution network of pipe, pump stations and tanks. The average daily usage is 2.8 MGD.

Currently, JFRWD provides water to one-third of Sebastian County and two-fifths of Scott County.

The preliminary study for additional water supply considered three alternatives, as well as the No Action alternative. The alternatives were:

- 1) Purchase needed water from the City of Fort Smith;
- 2) Pump raw water from Blue Mountain Lake, located in Logan County, to the water treatment plant;
- 3) Expand the lake

JFRWD has chosen to pursue alternative No. 3, expansion of the existing lake.

The proposed project involves unavoidable impacts to jurisdictional wetlands and streams. A wetland and stream mitigation plan has been proposed by the applicant, which includes the combination of the purchase of credits from an approved mitigation bank and development of approved permittee-responsible mitigation. A total of approximately 57,211 stream mitigation credits are required from the adverse impacts of the project. A total of approximately 45.6 wetland mitigation credits are required from the adverse impacts of the project.

The proposed permittee-responsible wetland mitigation site is adjacent to the existing water supply lake. Eighteen (18) acres of deep and shallow water would be created with a fringe of emergent hydrophytic vegetation. The existing soils and vegetative seedbed would be salvaged from the existing wetland and stockpiled for use in the proposed wetland fringe of the constructed wetland.

The proposed permittee-responsible stream mitigation site consists of construction of approximately 38,903 permittee-responsible mitigation credits at five (5) properties within the Poteau River HUC 11110105. The mitigation will consist of construction of approximately 23,104 riparian restoration credits and 15,799 riparian preservation credits. To meet the remaining mitigation requirements, an additional 18,308 mitigation credits will be purchased from the Dutch Creek Mitigation Bank, in Yell County, Arkansas. The bank is within the primary service area of HUC 11110105.

A Mitigation Plan, Best Management Plan, Performance Standards, Maintenance Plan, Monitoring Requirements, Long Term Management Plan, Adaptive Management Plan, Financial

Assurances, and Site Protection Instruments have been submitted for each site. Each property will be protected by deed restriction. A proposed permit will require permanent signage at each site, documenting the requirements of a permittee-responsible mitigation site.

The location and general plan for the proposed work are shown on the enclosed sheets. Additionally, sheets are enclosed providing the locations of the five properties proposed for permittee-responsible mitigation. These properties are James Fork North (Dugan), James Fork South (Meadors), Byford North, Byford South and Hattabaugh.

Water Quality Certification. An individual water quality certificate was already issued. The Corps contacted Arkansas Department of Energy and Environment, Division of Environmental Quality, who determined that since project impacts and purpose and need have not changed, the original water quality certificate remains valid.

Cultural Resources. For the proposed lake expansion impacts, Section 106 of the National Historic Preservation Act was satisfied and completed through coordination with Corps staff archeologists, Arkansas Historic Preservation Office and Tribal nations in August 2021 through the original public notice and additional Phase I and Phase II cultural resources surveys. Section 106 and Appendix C efforts for the permittee responsible mitigation areas must be completed.

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 **June 14, 2022**. 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.

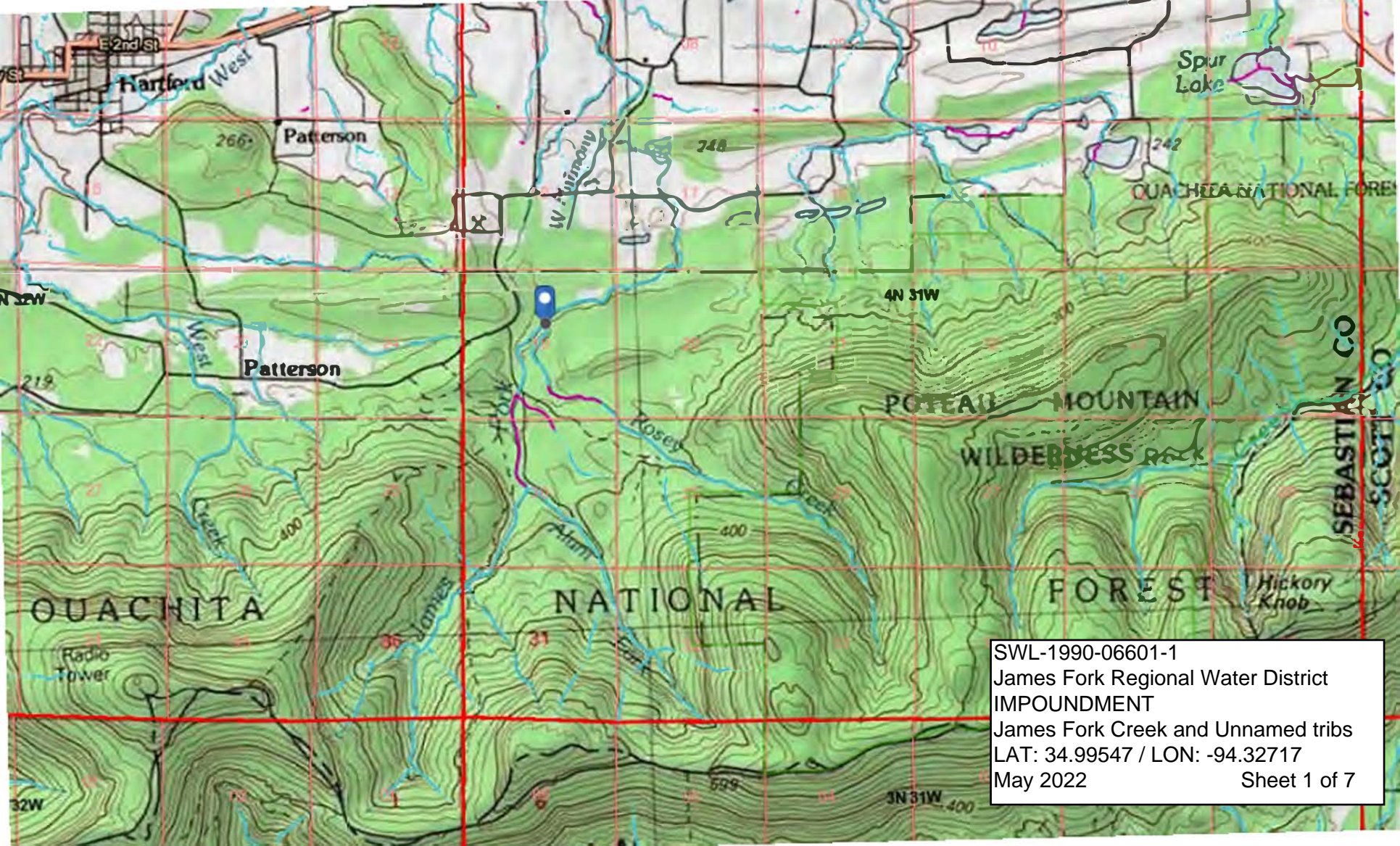
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located, and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

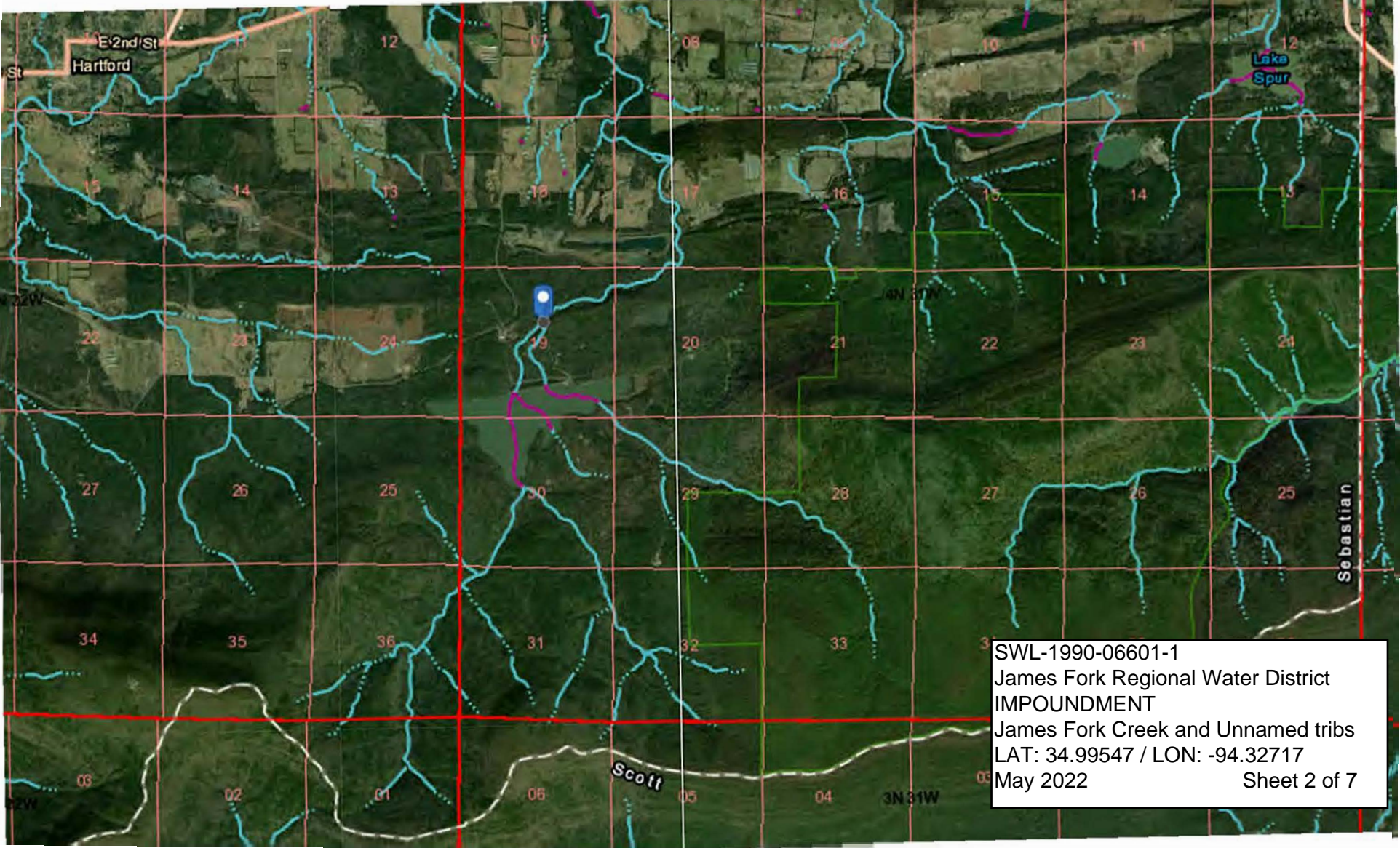
Approximate Coordinates of Project Center

Latitude: **34.99547** Longitude: **-94.32717**

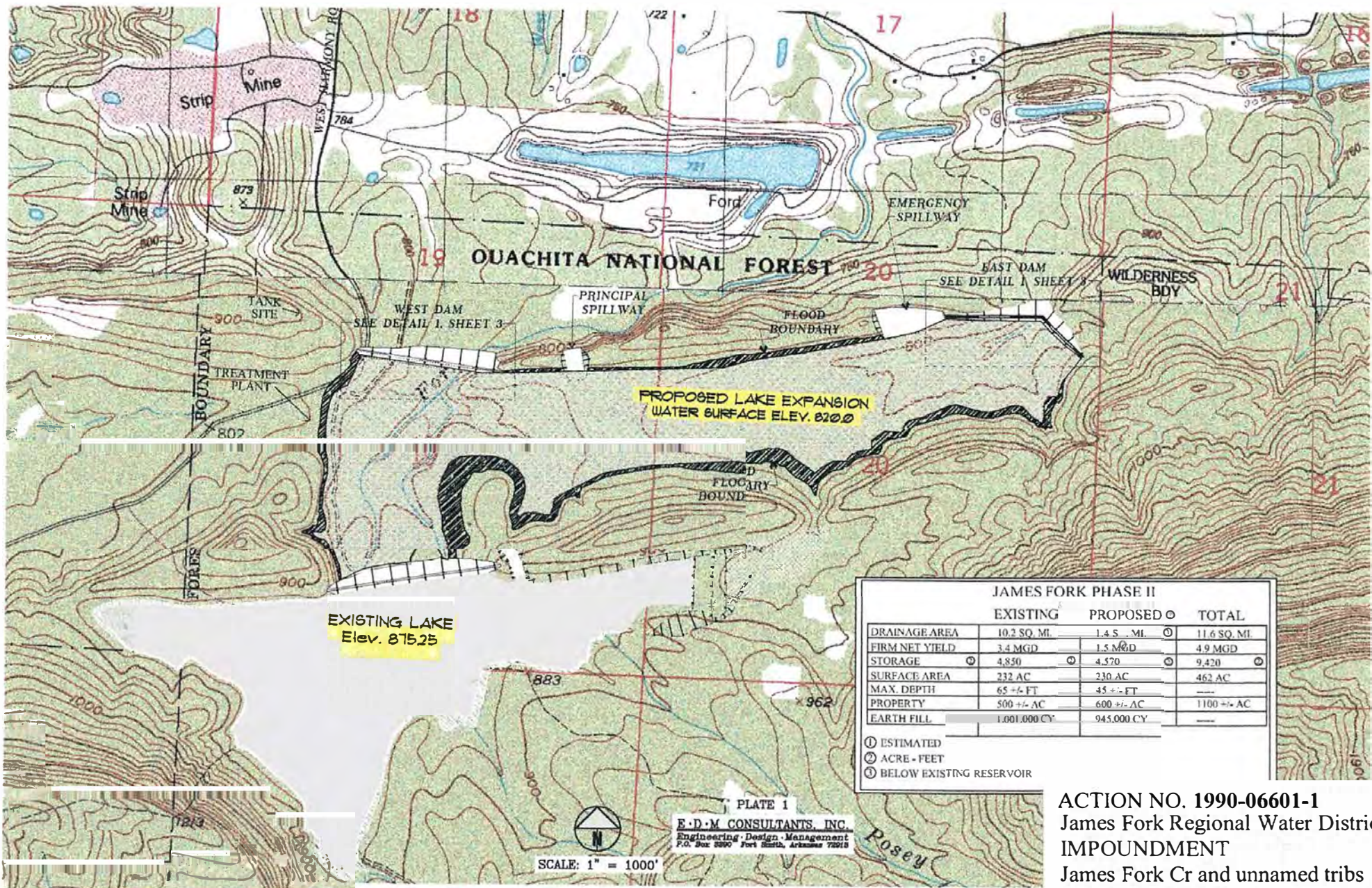
UTM Zone: **15N** North: **3873344** East: **378882**



SWL-1990-06601-1
James Fork Regional Water District
IMPOUNDMENT
James Fork Creek and Unnamed tribs
LAT: 34.99547 / LON: -94.32717
May 2022
Sheet 1 of 7



SWL-1990-06601-1
James Fork Regional Water District
IMPOUNDMENT
James Fork Creek and Unnamed tribs
LAT: 34.99547 / LON: -94.32717
May 2022
Sheet 2 of 7



JAMES FORK PHASE II			
	EXISTING	PROPOSED	TOTAL
DRAINAGE AREA	10.2 SQ. MI.	1.4 S. MI. ①	11.6 SQ. MI.
FIRM NET YIELD	3.4 MGD	1.5 MGD	4.9 MGD
STORAGE	4,850 ②	4,570 ②	9,420 ②
SURFACE AREA	232 AC	230 AC	462 AC
MAX. DEPTH	65 +/- FT	45 +/- FT	—
PROPERTY	500 +/- AC	600 +/- AC	1100 +/- AC
EARTH FILL	1,001,000 CY	945,000 CY	—

① ESTIMATED
 ② ACRE - FEET
 ③ BELOW EXISTING RESERVOIR

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IMPOUNDMENT
 James Fork Cr and unnamed tribs
 May 2022 Sheet 3 of 7

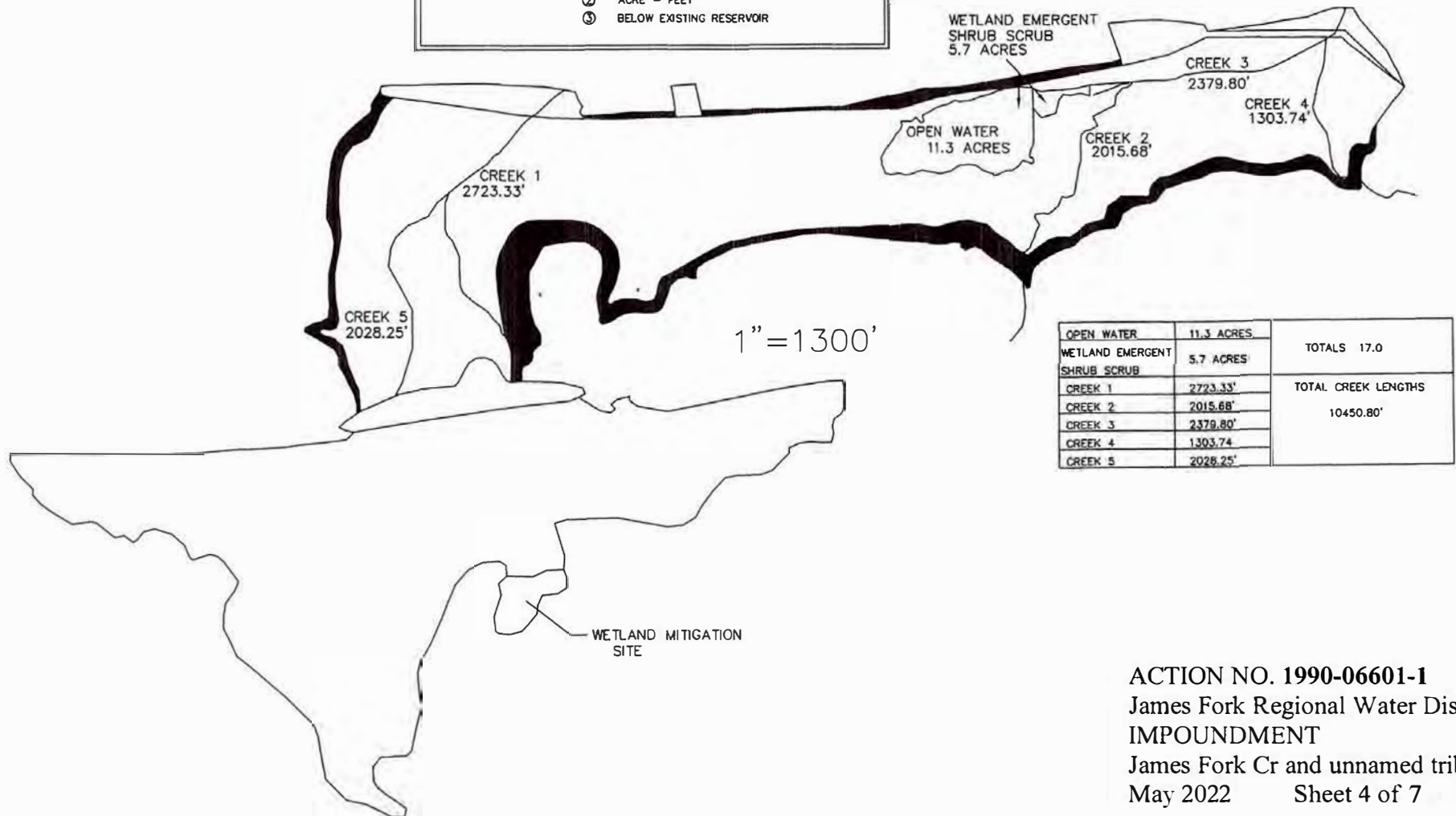
WETLAND AND STREAM

IMPACTS

MAP

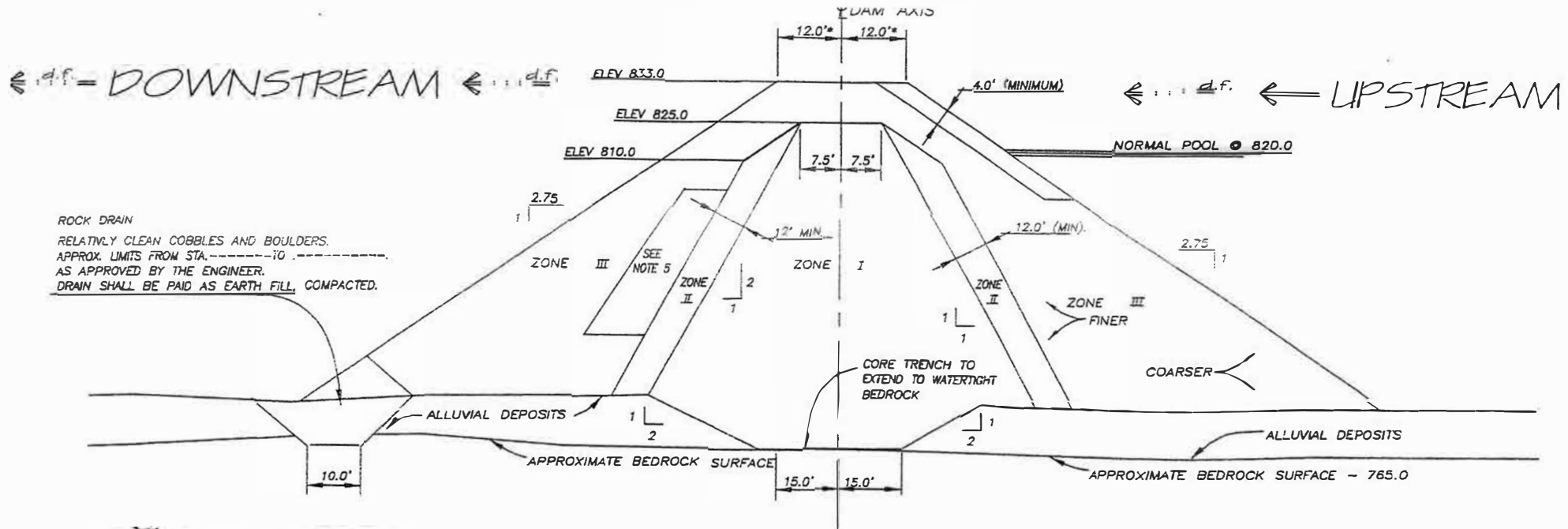
JAMES FORK PHASE II			
	EXISTING	PROPOSED ①	TOTAL
DRAINAGE AREA	10.2 SQ. MI.	1.4 SQ. MI.	11.6 SQ. MI.
FIRM NET YIELD	3.4 MGD	1.5 MGD	4.9 MGD
STORAGE ②	4,850	4,570	9,420 ②
SURFACE AREA	232 AC.	230 AC	462 AC
MAX. DEPTH	65 +/- FT	45 +/- FT	-----
PROPERTY	500 +/- AC	600 +/- AC	1100 +/- AC
EARTH FILL	1,001.00 CY	945,000 CY	-----

① ESTIMATED
 ② ACRE - FEET
 ③ BELOW EXISTING RESERVOIR



OPEN WATER	11.3 ACRES	TOTALS 17.0
WETLAND EMERGENT SHRUB SCRUB	5.7 ACRES	
CREEK 1	2723.33'	TOTAL CREEK LENGTHS
CREEK 2	2015.68'	10450.80'
CREEK 3	2379.80'	
CREEK 4	1303.74'	
CREEK 5	2028.25'	

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 James Fork Cr and unnamed tribs
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TYPICAL EMBANKMENT SECTION

SCALES:

LEGEND

- ZONE I - IMPERVIOUS CLAY CORE (CL, CH, MH SOILS)
- ZONE II - TRANSITIONS (SC-SM SOILS)
- ZONE III - SHELLS (GRADED SM, GC-GM SOILS NEAR ZONE II TO COBBLE-BOULDER SIZE AT OUTER SLOPES)
- ZONE IV - RIPRAP (SOUND WELL GRADED, FROM SPALLS TO MAXIMUM SIZE ROCK)

NOTES.

1. THE AREAS INDICATE ESTIMATED USE OF MATERIAL. THE ENGINEER WILL APPROVE PLACEMENT OF MATERIAL BASED ON ENGINEERING PROPERTIES.
2. ZONE BOUNDARIES INDICATED ARE APPROXIMATE. ADJUSTMENTS WILL BE APPROVED BY THE ENGINEER TO PERMIT THE CONTRACTOR TO UTILIZE ALL REQUIRED USABLE EXCAVATION WITHIN THE NEAT LINES OF THE EMBANKMENT.
3. CLASS C $\frac{3}{4}$ AFTER THE MOISTURE CONTENT OF THE MATERIAL HAS BEEN ADJUSTED TO WITHIN THE LIMITS SHOWN. EACH LAYER OF FILL SHALL BE TRAVERSED BY TAMPING ROLLER AT LEAST 6 PASSES FOR EACH ROLLER WIDTH. THE ROLLER SHALL EXERT A PRESSURE OF AT LEAST 450 PSI AND BE TOWED OR PROPELLED AT A SPEED OF NOT LESS THAN 3 MPH. MOISTURE CONTROL IS BASED UPON ASTM TEST METHOD D-698, METHOD "A".
4. FOR MATERIAL HAVING LESS THAN 40 PERCENT PASSING NO. 4 SCREEN. USE CLASS C $\frac{3}{4}$ COMPACTION. FOR MATERIAL HAVING MORE THAN 40 PERCENT PASSING NO. 4 SCREEN, USE CLASS "A" COMPACTION. ASTM TEST METHOD D-698, METHOD "A" WITH 98 PERCENT COMPACTION REQUIRED. TOWED OR PROPELLED AT A SPEED OF NOT LESS THAN 3 MPH. MOISTURE CONTROL IS BASED UPON ASTM TEST METHOD D-698, METHOD "A".
5. SUITABLE SHALE FROM REQUIRED EXCAVATIONS IN THE SPILLWAYS THAT DO NOT BREAK DOWN TO 35 PERCENT PASSING THE NO. 4 SCREEN, SHALL BE PLACED DOWNSTREAM FROM ZONE II AS SHOWN IN THE TYPICAL EMBANKMENT SECTION. CLASS C $\frac{3}{4}$ COMPACTION WILL BE REQUIRED FOR THIS SHALE MATERIAL.
6. SANDSTONE FROM REQUIRED EXCAVATIONS SHALL BE EXCAVATED, SELECTED AND HANDLED AS NECESSARY TO BE RELATIVELY FREE OF SHALE AND FINE GR. MATERIAL. IT SHALL BE REASONABLY WELL GRADED TO PROVIDE A SUITABLE FILL WITH NO LARGE UNFILLED VOIDS.



VICINITY MAP

NO SCALE

DAM EMBANKMENT SECTION & EMBANKMENT NOTES
JAMES FORK WATER SUPPLY - DAM & RESERVOIR
JAMES FORK REGIONAL WATER DISTRICT
SEBASTIAN COUNTY, ARKANSAS

E.D.M. CONSULTANTS, INC.
Engineering • Design • Management

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James Fork Regional Water District
IMPOUNDMENT

James Fork Cr and unnamed tribs
May 2022 Sheet 5 of 7



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James Fork Regional Water District
James Fork and tributaries
May 2022

SHEET 6 of 7

