



US Army Corps  
of Engineers®  
Little Rock District

# JOINT PUBLIC NOTICE

*CORPS OF ENGINEERS – STATE OF MISSOURI*

**Application Number: SWL-1995-13138-7**

**Date: February 23, 2022**

**Comments Due: March 16, 2022**

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**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, David Rupe, telephone number: (501) 340-1386, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: [David.M.Rupe@usace.army.mil](mailto:David.M.Rupe@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. Jason Lott  
Superintendent, Ozark National Scenic Riverways  
404 Watercress Drive  
P.O. Box 490  
Van Buren, Missouri 63965**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with periodic gravel removal from the Akers Ferry site. The proposed project is located in the Current River, in the NW 1/4 of section 24, T. 31 N., R. 6 W., Eminence, Shannon County, Missouri.

The basic purpose of the project is to provide Missouri Highway K a crossing of the Current River. The overall purpose of the project is to provide enough draft to allow the continued operation of Akers Ferry, which was first built in 1949 during extension of Hwy K.

Using a bulldozer, gravel will be pushed out of the ferry's operational path and moved towards the south bank. At that point, the gravel would be removed by excavator and placed in dump trucks to be removed to an upland site. Approximately 400-500 cubic yards of material will be removed in a line across the river 30-feet-upstream to 20-feet-downstream of the ferry ramps. A transportation crossing of the Current River is a water dependent activity.

The proposed action is located within Current River, a perennial channel that is listed as a Scenic River within the Ozark National Scenic Riverways (ONSR).

In all stages of excavation, the ONSR's staff and equipment operators will use Best Management Practices (BMP's) to avoid or minimize the amount of negative impacts the excavation might have on the integrity of the stream, stream banks, and riparian corridor. When it is possible to use a bucket to truck method to remove accumulated gravel, that method will be used. Since there will be no loss of waters for this proposed project, no mitigation has been proposed for these impacts.

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

Water Quality Certification. Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as notification to the Administrator of the U.S. Environmental Protection Agency (USEPA) pursuant to section 401(a)(2) of the Clean Water Act for neighboring jurisdiction review and begins the 30-day clock for USEPA to notify affected states. The Corps will submit a request for water quality certification to the state in which the discharge site is located at a later date once additional information is available. In accordance with 33 CFR 325.2(b)(ii), no Department of the Army permit will be granted until required certification has been obtained or has been waived. A waiver may be explicit or will be deemed to occur if the certifying agency fails or refuses to act on a request for certification within 60 days after receipt of such a request unless the district engineer determines a shorter or longer period is reasonable for the state to act. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

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 **March 16, 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: **37.37556**

Longitude: **-91.55197**

UTM Zone: **15N** North: **628207.000002** East: **4137520.000008**