



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2021-00202

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, Michael Gala, telephone number: (870) 571-3817, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Michael.R.Gala@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. Allan Ramseur
Post Office Box 526
West Plains, Missouri, 65775**

has requested authorization for the placement of dredged and fill material in waters of the United States associated with the discharge of 598 cubic yards (CY) of fill material below the Ordinary High Water Mark (OHWM) of four (4) unnamed spring-fed streams to construct four (4) earthen dams and four (4) recreational lakes. An additional 355 CY will be discharged below the OHWM of a pond to construct a 5th dam upstream of dam C to increase the size of Lake C. The proposed project is located in unnamed tributaries to the Spring River, in all quadrants of sections 20/29, T. 21 N., R. 5 W., and in the NW/NE quadrants of Section 29, T. 21 N., R. 5 W., Mammoth Springs, Fulton County, Arkansas.

The applicant's stated purpose of the project is to build small lakes on the site that are oriented in such a way as to provide residents with improved aesthetics and recreational opportunities. The small lakes will also serve an important sediment retention and hydrological control function in the sub-watersheds. That is, the lakes will help reduce peak storm flows and sequester sediment and nutrients, reducing loads entering the Spring River.

The project would include the discharge of 598 CY of fill material below the OHWM of four (4) unnamed streams to construct four (4) earthen dams and four (4) associated lakes. An additional 355 CY will be discharged below the OHWM of a pond to construction of a 5th dam upstream of dam C to increase the size of Lake C. The proposed project would impact (mostly by impoundment) approximately 8,123 linear feet of streams and 0.21 acres of open-water ponds.

Approximately 6,921 linear feet of streams are riffle-pool complexes. The project would also include non-jurisdictional activities, including the loss of 30 acres of uplands (mostly forested) and riparian areas due to flooding to create four (4) Lakes.

The project site is just south of Mammoth Spring, in a rural area. The topography on the site is hilly, with valleys generally running west to east and drains into the Spring River. The proposed project area includes four ephemeral streams, two ephemeral braided channels, and eleven intermittent/perennial streams. The intermittent/perennial streams on the site comprise approximately 19,220 linear feet, and ephemeral streams comprise approximately 4,720 linear feet. The intermittent/perennial streams, some of which are spring-fed, display riffle-pool morphology and have substrates composed mostly of gravel or cobble. The ephemeral streams have more diverse substrates, including gravel and silt/clay. The project area also includes three small wetlands and five farm ponds that the project will not impact. Most of the area has been historically maintained as pasture/hay fields or forests.

The lakes' design and the dam's location have been revised to reduce the impact on the natural springs. Two previously planned lakes were eliminated, one was reduced in size, and one increased in size. Impacts to jurisdictional waters would be mitigated through permittee-responsible mitigation on-site in accordance with the 2008 Mitigation Rule, 33 Code of Federal Regulations (CFR) Parts 325 and 332. A combination of stream restoration, corridor protection, and riparian buffer restoration/enhancement is proposed as mitigation.

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 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. A Corps 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 may affect, not likely to adversely affect listed Endangered Species or their critical habitat (Table 1). 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.

Table 1: ESA list and determinations			
Species	ESA Listing Status	Critical Habitat (Y/N)	USACE Effect Determination (Species) ²
Gray Bat (<i>Myotis grisescens</i>)	Endangered	N	NLAA
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	N	NLAA
Northern Long-eared Bay (<i>Myotis septentrionalis</i>)	Endangered	N	NLAA
Scaleshell Mussel (<i>Leptodea leptodon</i>)	Endangered	N	NLAA
Snuffbox Mussel (<i>Epioblasma triquetra</i>)	Endangered	N	NLAA
Curtis Pearlymussel (<i>Epioblasma florentina curtisii</i>)	Endangered	N	NLAA
Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)	Threatened	N	NLAA
Missouri Bladderpod (<i>Physaria filiformis</i>)	Threatened	N	NLAA
Eastern Black Rail (<i>Laterallus jamaicensis ssp. jamaicensis</i>)	Threatened	N	NE
Piping Plover (<i>Charadrius melodus</i>)	Threatened	N	NE
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	N	NE

Ozark Hellbender (<i>Cryptobranchus alleganiensis bishop</i>)	Endangered	N	NE
Monarch Butterfly (<i>Danaus Plexippus</i>)	Candidate	N	NLJS
² NE= No Effect, NLAA= Not like to adversely affect, MAA= may adversely affect, NLJS=Not Likely to Jeopardize Species			

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.

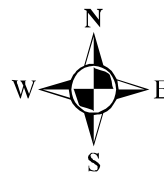
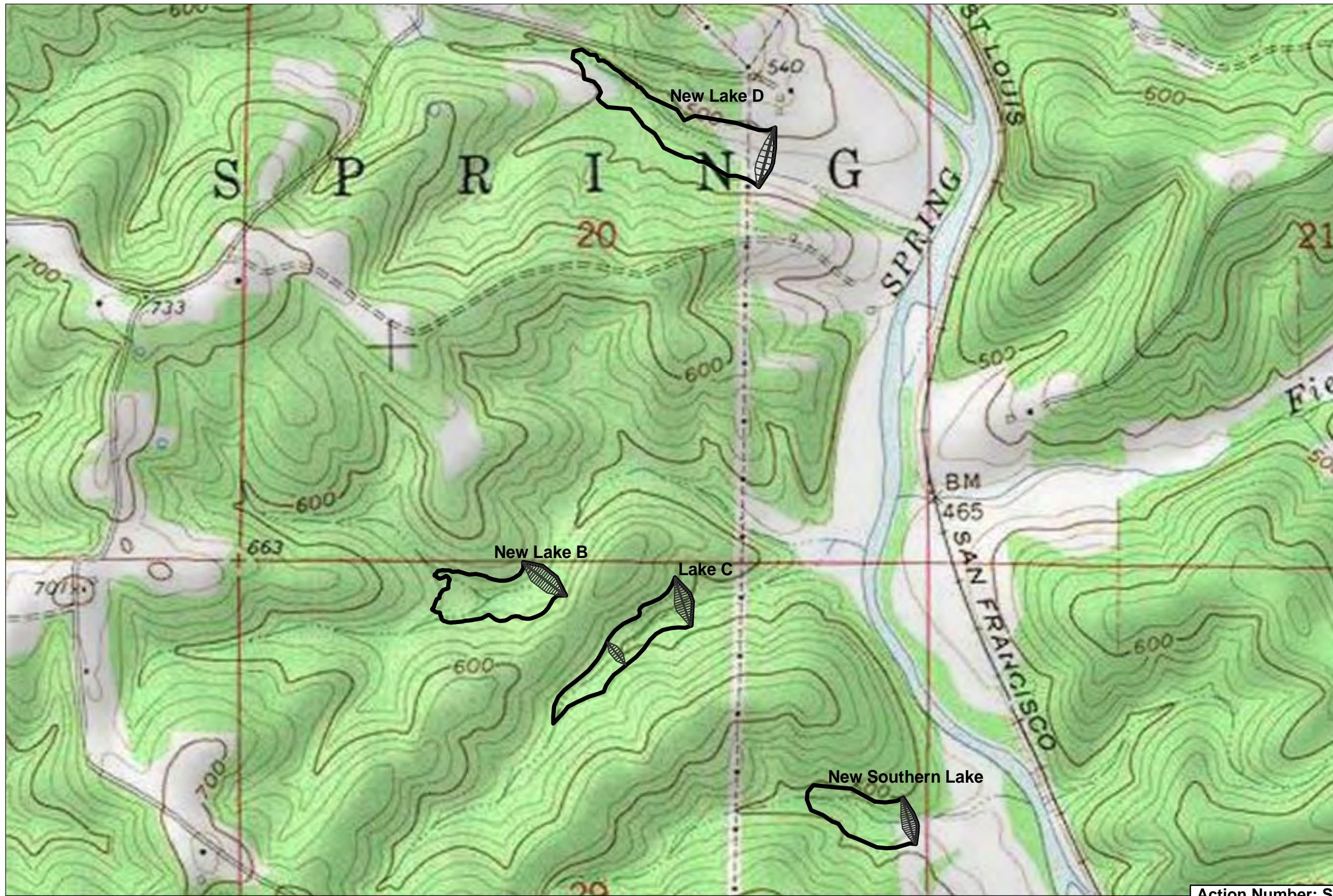
NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please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

Enclosures

Approximate Coordinates of Project Center

Latitude: **36.459520°** Longitude: **-91.537047°**

UTM Zone: **15N** North: 4035647.727093 East: 631326.629968



1,000

Feet



New Lake Boundaries

Action Number: SWL-2021-00202
Ramseur, Dam and Lake Project
Sections: 19, 20, 28, 29, 32, & 33 T: 21N R: 5W
Fulton County, Arkansas
December 2022

NO	DATE	REVISION	BY	CK.	APPR.

DESIGNED BY GLP
 CHECKED BY GLP
 APPR. BY GLP
 DRAWN BY IT

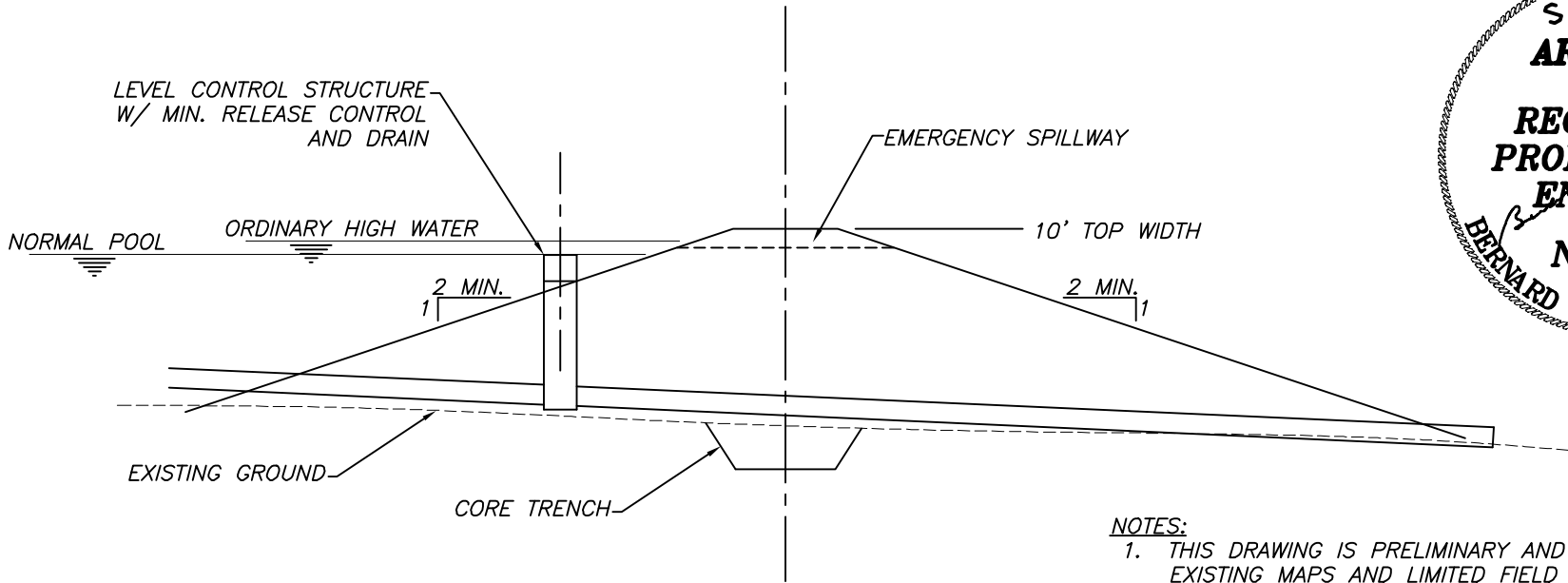


SHEET TITLE

TOPOGRAPHIC
 OVERALL MAP

JOB NAME

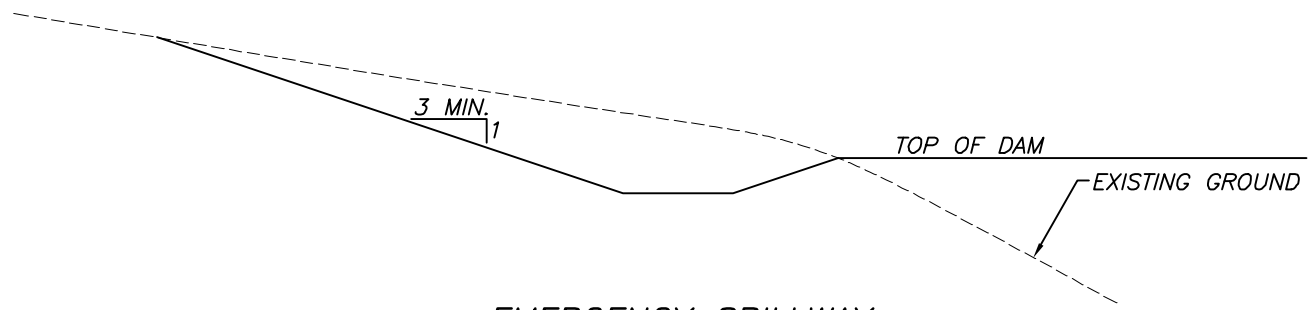
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TYPICAL DAM SECTION
N.T.S.

NOTES:

1. THIS DRAWING IS PRELIMINARY AND IS BASED ON EXISTING MAPS AND LIMITED FIELD MEASUREMENTS.
2. ELEVATIONS, PIPE SIZES, AND SPILLWAY WIDTHS WILL BE DETERMINED.
3. EMANKMENT FOR DAMS WILL BE OBTAINED WITHIN THE LAKE BEDS.



EMERGENCY SPILLWAY
N.T.S.

	HEIGHT	±SURFACE AREA	±TOP ELEV.	±VOLUME IN DAM	±AREA OF DAM
SOUTHERN LAKE	<25 Ft.	10 Acres	500	8,500 C.Y.	0.8 Acres
B	<25 Ft.	5.6 Acres	570	10,500 C.Y.	0.5 Acres
C	<25 Ft.	3.5 Acres	515	10,500 C.Y.	0.5 Acres
C1	<25 Ft.	2.5 Acres	525	10,500 C.Y.	0.5 Acres
D	±30 Ft.	20 Acres	495	15,500 C.Y.	0.8 Acres

DATE: August 2022
 DRAWN BY: BJD
 Project File: 215W21/Rams.
 Rev 12-6

DeCLERK-THROESCH
 ENGINEERING - LAND SURVEYING
 114 Pyburn Street - P.O. Box 804
 Pocahontas, Arkansas 72455
 Phone 870-892-9412

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