



**US Army Corps  
of Engineers**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
[www.mvk.usace.army.mil](http://www.mvk.usace.army.mil)



# Public Notice

APPLICATION NO.:	MVK-2015-755
EVALUATOR:	Ms. Samantha Claypool
PHONE NO.:	(601) 631-5478
E-MAIL:	<a href="mailto:Samantha.H.Claypool@usace.army.mil">Samantha.H.Claypool@usace.army.mil</a>
DATE:	January 11, 2017
EXPIRATION DATE:	February 8, 2017

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Arkansas Department of Environmental Quality, are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Arkansas Department of Environmental Quality, Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

**Law Requiring a Permit:** Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and/or fill material into waters of the United States.

**Name of Applicant:**  
Mr. Chang Chen  
2231 Highway 84 East  
Amity, Arkansas 71921

**Name of Agent:**  
Mr. Wil Hawkins  
ATOKA, Incorporated  
2695 Airport Road  
Hot Springs, Arkansas 71913

**Location of Work:** Section 30, Township 5S- Range 22W, Latitude 34.280697, Longitude -93.40287, within Lower Red-Ouachita Drainage Basin (8-digit USGS HUC 08040102), Clark County, Arkansas.

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army permit to conduct regulated activities in jurisdictional areas for the purposes of the installation of an intake pump, rip rap, large and small pond dams, and bridge structures on natural drainages in Clark County, Arkansas. The applicant's stated purpose for the intake pump was to transfer water using a hose placed in the Caddo River to the large pond located on the property in order to maintain the water level. The applicant's stated purpose of the dams was to create ponds for watering livestock and enjoyment of the property. The applicant's stated purpose of the bridge structures was to allow vehicular access to his property west of the drainages.

The rip rap and pump/hose are currently in place and operational. The existing rip rap fill is used as bank stabilization. The large and small dams are currently in place. For the structures on the natural drainages, the fill remains in place and serves as a foundation for a steel and wooden bridge which spans both to the east and west drainages. A second rip rap and concrete bridge was constructed across the upper end of the east drainage to allow vehicular access to a cabin located on the west side of the eastern branch of the drainage.

The rip rap was placed in order to stabilize and control erosion of the soils on the river bank. The fill for the dams were placed to create both large and small ponds. The large pond is used for watering livestock, whereas both the large and small ponds are essentially used for personal enjoyment.

Approximately 286 linear feet of an ephemeral stream have already been filled and approximately 1,291 linear feet of an ephemeral stream has been flooded. Approximately 200-cubic yards of large rip rap material was used for the rip rapped intake pump. Approximately 24-cubic yards of concrete and 4,270-cubic yards of fill was used for the large pond. Approximately 80-cubic yards of fill material and 30-cubic yards of rip rap was used for the small pond. Approximately 220-cubic yards of rock and concrete were used for the bridge structures placed on the natural drainage sites.

The applicant proposes to mitigate for the unavoidable loss of stream impacts through purchasing wetland credits from an approved mitigation bank whose service area includes the same 8-digit HUC unit 08040102.

The vegetative communities within the project area are Slippery elm, Sweet gum, Clustered fescue, Beefsteak plant, Canadian horseweed, Northern white oak, Chinese privet, Giant cane, Sassafras, Clustered fescue, American sycamore,

Post oak, Pignut hickory, Northern spicebush, Johnson grass, Sawbrier, Shag Bark hickory, Little barley, Muscadine, Red maple, Black willow, Loblolly pine, Large barnyard grass, Beefsteak plant, Chinese tallow tree, American Elm, American beech, and Christmas fern. Hydric soils within the wetland areas consists of Bonnerdale fine sandy loam and Toine fine sandy loam.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, state lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the proposed undertaking upon these properties: A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

**Endangered Species:** Our initial finding is that the proposed work had no effect on the following endangered species or their critical habitats: Piping Plover, Arkansas fatmucket, Ouachita Rock Pocketbook, Spectaclecase mussel, American burying beetle, and Northern Long-Eared Bat. Our initial finding is that the proposed work did not likely to adversely affect the following endangered species or their critical habitats: Northern long-eared bat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat would be addressed in our evaluation of the described work.

**Flood Plain:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. Portions of the project are within the 100 year floodplain.

**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public

interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

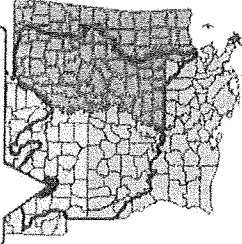
**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>, and click on ORM Permit Decisions under Program Links.

*Thomas A. McCabe*

Thomas A. McCabe  
Chief, Evaluation Section  
Regulatory Branch

Clark County, AR



7 October 2016

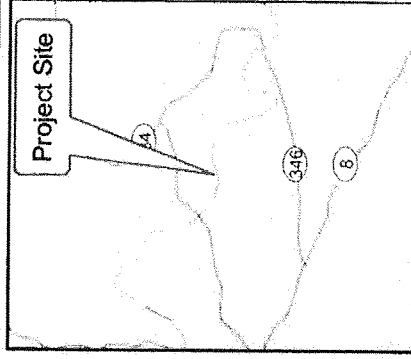
**MVK-2015-755**

Jurisdictional Determination  
Mr. Chang Chen  
Near Amity, Clark County, Arkansas

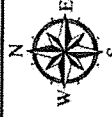
Revised Preliminary  
Jurisdictional Determination

Prepared by  
Arel Simpson

Project Site

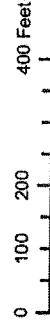


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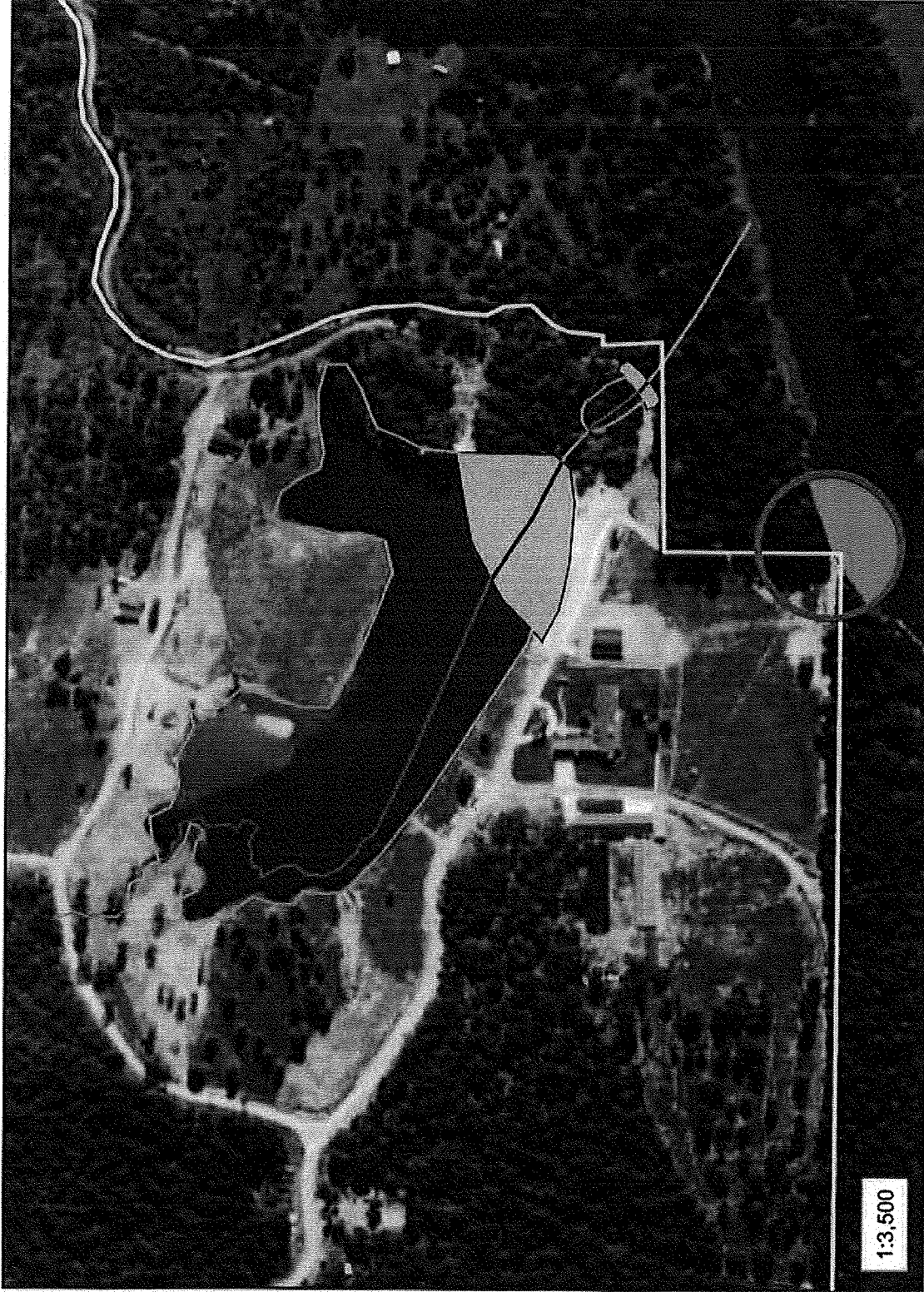


**Regulatory Branch**

Enforcement Section



Enclosure 1A



1:3,500

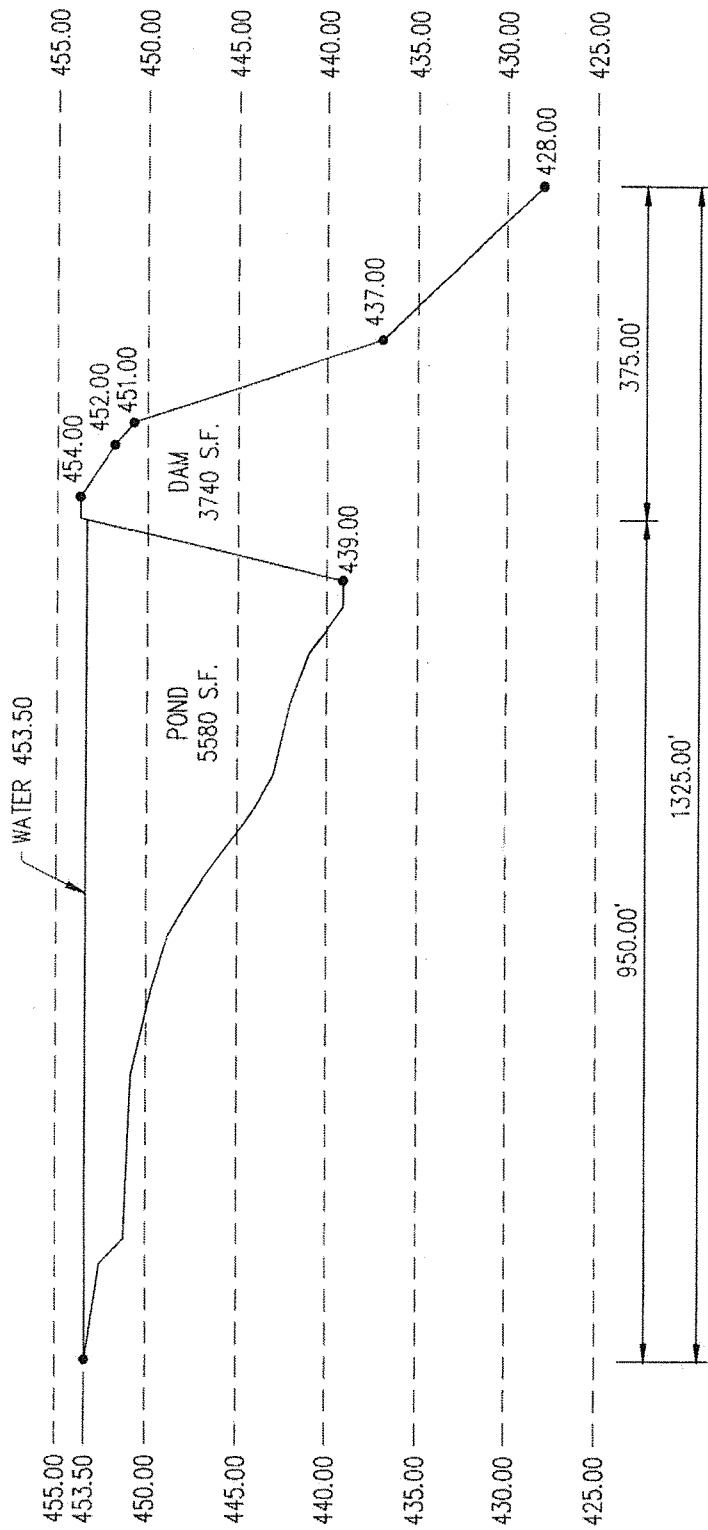
### Legend

- Chen Property Boundary
- Upland Swale
- Ephemeral Stream (532 L.F.)
- Flooded Stream (1,291 L.F.)
- Filled Stream (286 L.F.)
- Shoreline (7.77 Acs.)
- ▨ Pond Dams (1.32 Acs.)
- Water Pump/Riprap
- ▩ Caddo River

There are jurisdictional waters of the U.S. within the Chen property boundary. Any work involving the discharge of dredged or fill material into a jurisdictional water of the U.S. will require a permit.

CEMVK-OD-FE SHC-MVK-2015-755

MR. CHANG CHEN



## POND AND DAM PROFILE

SCALE (HORIZ): 1" = 200'

SCALE (VERT): 1" = 10'



### POND AND DAM PROFILE

CHANG CHEN

2231 HIGHWAY 84 EAST, AMITY, ARKANSAS

**ATOKA, INC.**

ENGINEERING & ENVIRONMENTAL CONSULTING

2695 AIRPORT ROAD  
HOT SPRINGS, AR 71813-8272  
501-623-1121

Date : 01-05-2017

SCALE: 1" = 50'

JOB NO.: 16-265

SHEET:

1 of 1