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# United States Army Corps of Engineers Public Notice: After-the-Fact Permit Application by Clark County, Arkansas, Livestock Operation

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Army Corps of Engineers ("Corps") (Vicksburg District), issued a January 11 Public Notice stating that Chang Chen is applying for an after-the-fact Corp permit to conduct:

".... regulated activities in jurisdictional areas for the purpose of the installation of an intake pump, or rip rap, large and small pond dams, and bridge structures on natural drainages."

The permit is being sought pursuant to Section 404 of the Clean Water Act, which applies to discharges of dredged and/or filled material into waters of the United States.

The project for which the permit is sought is located on the lower Red-Ouachita Drainage Basin LRDB in Clark County, Arkansas.

The Corps Public Notice states that the applicant's purpose is 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 future stated purpose is to create ponds for watering livestock and enjoyment of the property. The purpose of certain proposed bridge structures is to allow vehicular access to the property west of the drainages.

As an after-the-fact permit, the rip rap and pump deck/hose are stated to be currently in place and operational. Further, the existing rip rap is used as bank stabilization and the large and small dams are currently in place.

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. Further, approximately 200-cubic yards of large rip rap material was used for the rip rapped intake pump. Also, approximately 24-cubic yards of concrete and 4,270-cubic yards of fill was used for the large pond. 80-cubic yards of fill material and 30-cubic yards of rip rap was used on the small pond and approximately 220-cubic yards of rock and concrete were used for the bridge structures placed on the natural drainage sites.

The individual applicant proposes to mitigate for the unavoidable loss of stream impacts through purchasing wetland credits from an approved mitigation bank.

[A copy of the public notice can be downloaded below.](#)