



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**FILE NUMBER: MVM-2013-365 (RCW)**

**NOTICE DATE:**  
**December 31, 2013**

**EXPIRATION DATE:**  
Attn: Postmaster,  
Please Post Until  **January 30, 2014**

## Joint Public Notice

### **U.S. Army Corps of Engineers and State of Arkansas**

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

**APPLICANT:**

John Schmidt  
Build Project Manager  
Cargill Inc.  
15407 McGinty Road West-Mailstop # 99  
Wayzata, Minnesota 55391

**Agent:**

John (Jack) Finley  
Senior Environmental Scientist  
Burns & McDonnell Engineering  
9400 Ward Parkway  
Kansas City, Missouri 64114  
Office Phone: (816) 822-3396

**PURPOSE:** The purpose of this project is to provide a facility for the storage and loading of grain onto barges.

**LOCATION:** The project site is located on the right descending bank of the Mississippi River at approximate River Mile 728.2 in Crittenden County, Arkansas, at latitude 35.115411° N and longitude -90.180475° W (Attachment 1: Project Location).

**DESCRIPTION OF WORK:** The applicant proposes to construct multiple grain bins, several buildings, parking areas, an access road, and a barge docking area between the west bank of the Mississippi river and the Main Line Levee (Attachment 2: Project Plan Layout and Attachment 3: Proposed Barge Docking Area and Mooring Structures Configuration). The applicant anticipates 0.72 acres of impacts to emergent wetlands, 0.77 acres of impacts to scrub shrub wetlands and 3.85 acres of impacts to forested wetlands for a total of 5.34 acres of permanent wetland impacts. Permanent culverts will be installed to maintain hydrology through wetlands that are not impacted. Temporary impacts to wetlands are anticipated to facilitate access road construction. Temporary impacts are to be restored to original condition and elevation once construction is complete. The applicant proposes to install a 180-foot structure out over the Mississippi River supported by piles driven into the river bed. Underneath the structure will be a 25 feet<sup>2</sup> barge loading dock also supported by piles. A total of 14 piles will be used for structure support permanently impacting approximately 0.01 acres of the Mississippi River riverbed.

**AVOIDANCE/MINIMIZATION:** According to the applicant, due to the nature of the project, a barge loading dock and loading facility in and adjacent to the Mississippi River is required. Therefore, the project needs to be situated near the Mississippi River where wetland occurrence is likely. Within the project site, effort was made to avoid and minimize wetland impacts to the greatest extent practicable. However, due to the location and nature of the project, it is impossible to completely avoid impacting wetlands. The extent of wetland impacts has been minimized through various design alternatives. The design goal has been to capitalize on available upland areas while minimizing the need to clear additional wetland areas.

**MITIGATION:** Proposed compensatory mitigation would be provided in the form of restoration and preservation of wetlands. It would consist of a complex of forested, scrub-shrub and emergent wetlands through the creation of a 7.3-acre wetland in an existing upland crop field adjacent to the project site. The plan also includes preservation of 33 acres of a forested riparian wetland community adjacent to the project site and restoration site (Attachment 4: Mitigation Proposal).

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341 (a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of the water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** This notice is being coordinated with the USFWS. The interior least tern (*Sterna antillarum athalassos*) and pallid sturgeon (*Scaphirhynchus albus*) are known to utilize the Mississippi River. Any comments USFWS may have regarding these or other endangered or threatened wildlife or plants or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct or require a survey of the project area.

**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 public notice and notify this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on 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 activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project 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; Federally recognized 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.

**PUBLIC HEARING:** 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 a public hearing shall state, with particularity, the reason 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. If a public hearing is held, it will be for the purpose of obtaining additional information that we could not otherwise obtain through a public notice process; not to inform the public about the specific details of the project in greater detail than what is found in this notice. This is not a Corps project. We are not a proponent or are we an opponent of the project. We are merely the permitting authority of Section 404 and Section 10 permits required by our office.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District and Arkansas Department of Environmental Quality. Comments may be sent via mail or E-mail to the following:

U.S. Army Corps of Engineers Memphis District  
ATTN: Reginald Wuornos  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
E-mail: [reginald.c.wuornos@usace.army.mil](mailto:reginald.c.wuornos@usace.army.mil)  
phone: (901) 544-0731  
fax: (901) 544-0211

Mark Hathcote  
State Permits Branch, Water Division  
Arkansas Department of Environmental Quality  
5301 North Shore Drive  
Little Rock, Arkansas 72118-5317  
E-mail: [hathcote@adeq.state.ar.us](mailto:hathcote@adeq.state.ar.us)

The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

For Final Individual Permits actions in the Memphis District, go to the following link: <http://geo.usace.army.mil/egis/f?p=340:2:0::NO:RP>. Using the Filter by District drop down box, select MVM-Memphis District, then select the year and month (information will populate in the table below). All pending individual permits can be located by selecting the "**Pending IP**" tab above. All of the environmental documents and statements of findings supporting issuance or denial of the permit decisions are available upon written request and where applicable, upon the payment of administrative fees. They are also available at the Memphis District, Regulatory Branch office for examination.



for Roger S. Allan  
Acting Chief  
Regulatory Branch

Attachments

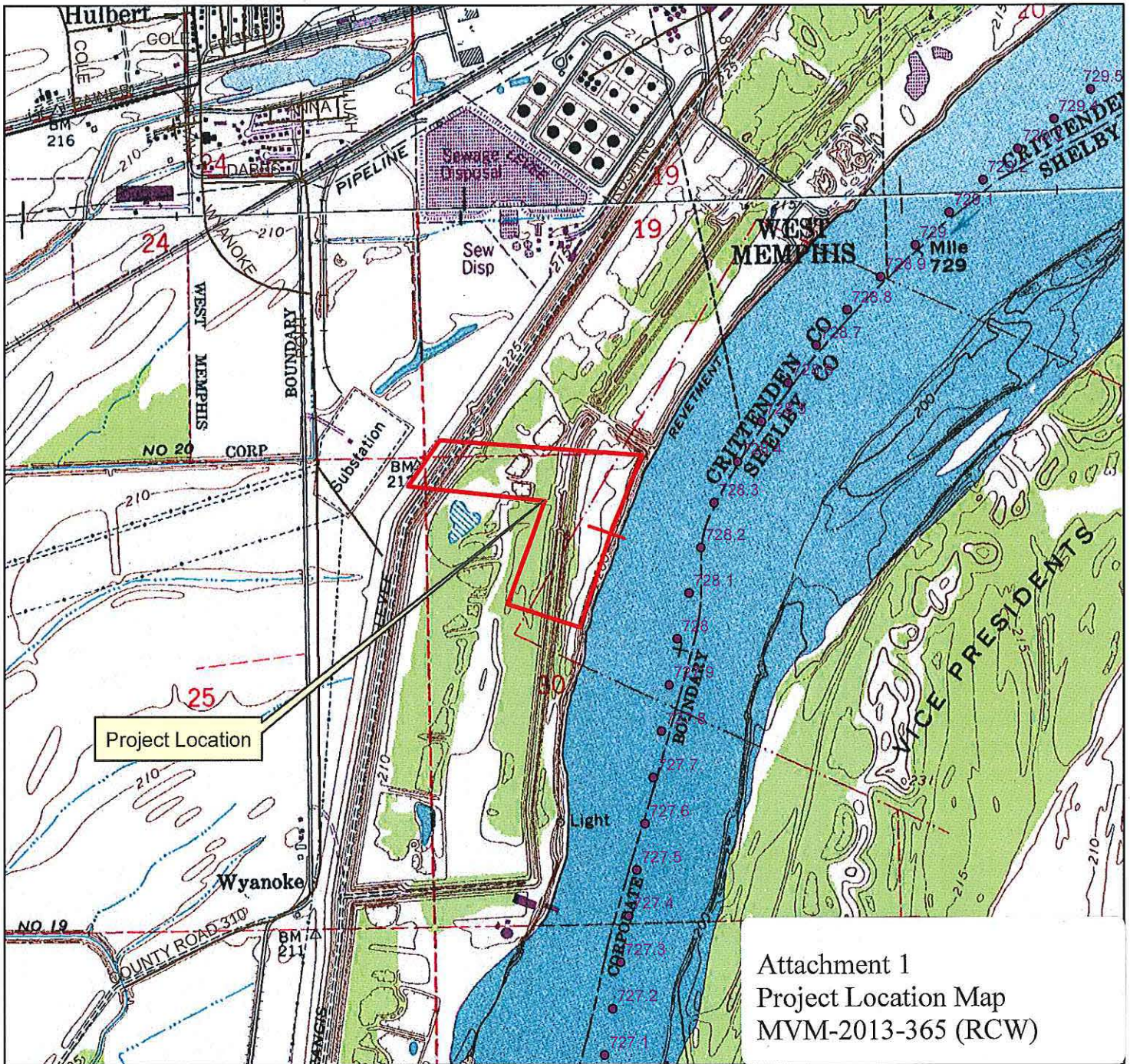
# MVM-2013-365 (RCW) Cargill Barge Grain Loading Facility

Project Location Map  
 Topo, Fletcher Lake, AR Quad  
 Zone 15  
 Section 6, T-6N, R-9E  
 Lat/Lon: 35.115411° N/-90.180475° W



## Legend

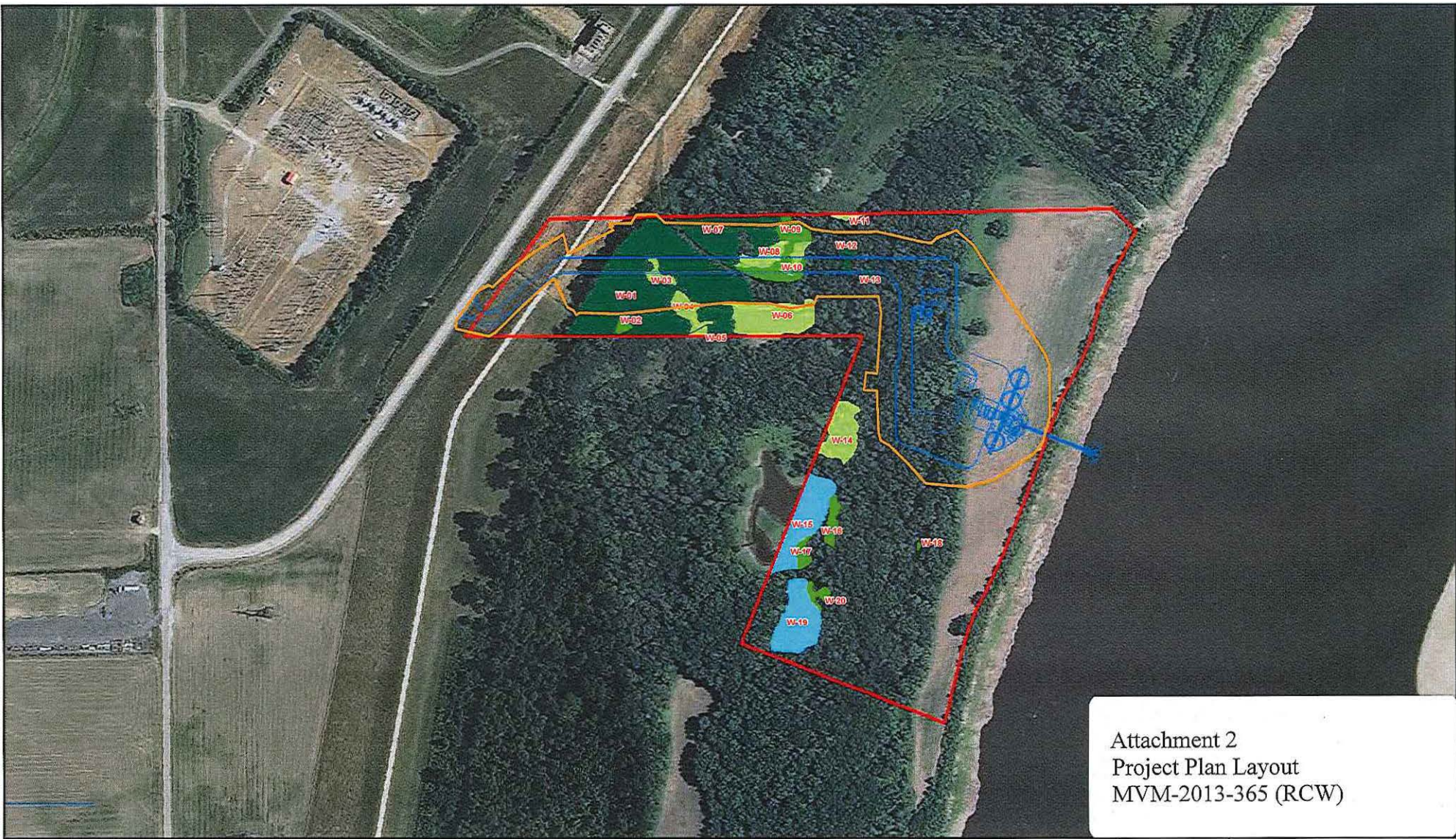
- Dist\_Major\_Roads
- Dist\_Secondary\_Roads
- MS\_Rivermile\_Tenths



Attachment 1  
 Project Location Map  
 MVM-2013-365 (RCW)



path: R:\2013\110501\110501.mxd; User: burnsmc; Date: 12/30/2013 10:44:44 AM; Project: 110501.mxd  
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Attachment 2  
 Project Plan Layout  
 MVM-2013-365 (RCW)

Survey Area	<b>Wetland Type</b>	
Permanent Construction Impacts	PEM	PFO
Site Layout	PSS	PUB

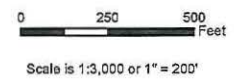
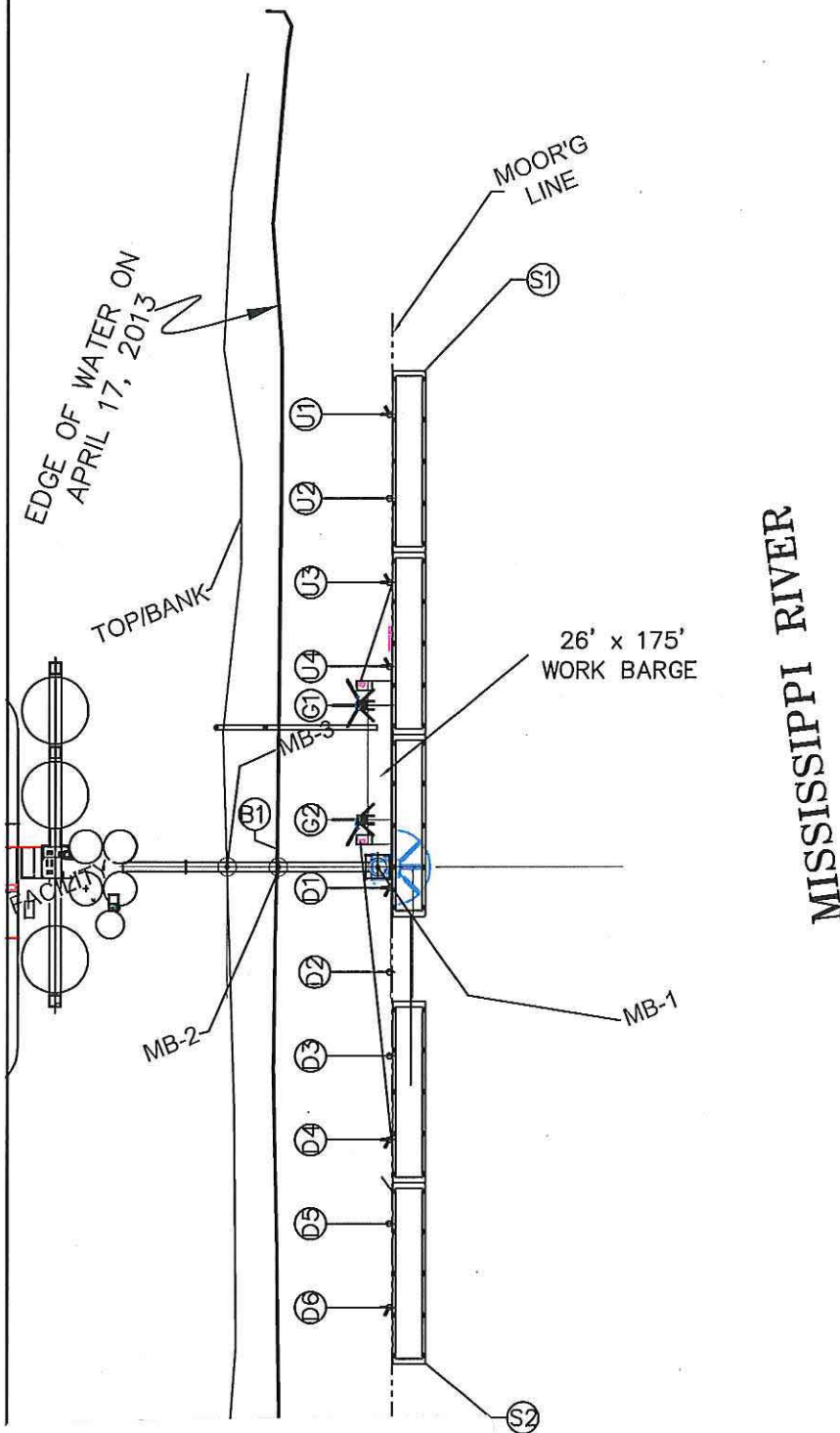


Figure 2  
 Permanent Impacts to Wetlands  
 West Memphis Facility Project  
 Cargill Inc.  
 Crittenden County, AR

Source: USDA NAIP Aerial (2012), Cargill Inc, and Burns & McDonnell Engineering.

			Drwn TL	<b>B</b> <b>S</b>	<b>BROUGH and STEPHENS, INC.</b> <b>Consulting Engineers</b>  MEMPHIS, TENNESSEE	FILE 13318
			Chkd			SHEET NO.
1	MES	12/23/13	Scale 1"=200'			1
REV.	BY	DATE	Date 10/21/13			

PROPOSED DOCK ADDITION  
FOR CARGILL AgHORIZONS  
IN MISSISSIPPI RIVER  
AT W. MEMPHIS, AR.  
COUNTY OF CRITTENDEN



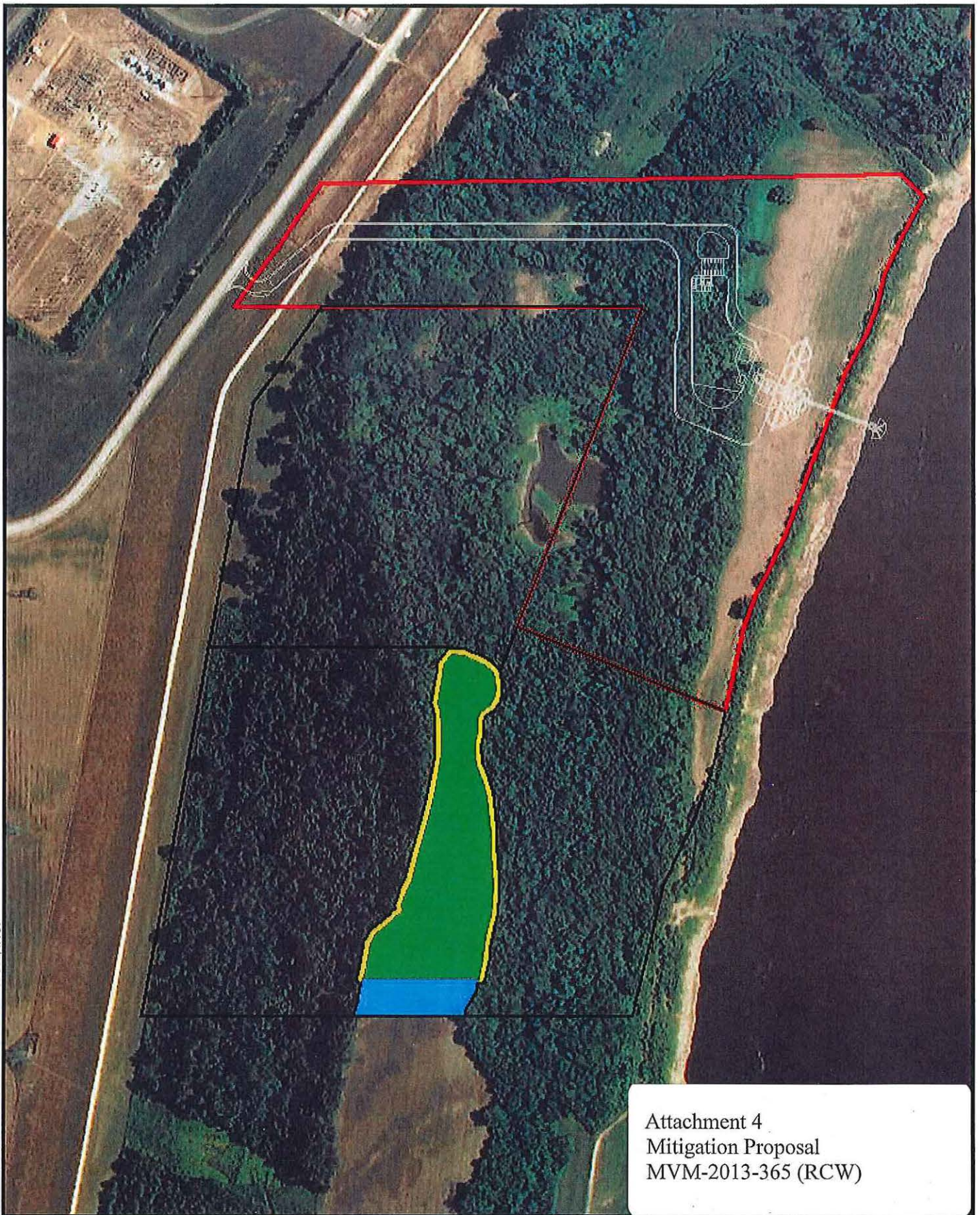
### LEGEND -

- MB-1 = MARINE BORING NUMBER
- MB-1  
LATITUDE: 35°06'53.156"  
LONGITUDE: -90°10'39.225"
- MB-2/B1  
LATITUDE: 35°06'53.562"  
LONGITUDE: -90°10'40.409"
- MB-3  
LATITUDE: 35°06'53.774"  
LONGITUDE: -90°10'41.027"






MK.	LATITUDE	LONGITUDE	DESCRIPTION
U1	35°06'57.532"	-90°10'36.835"	72"φ TRI DOLPHIN
U2	35°06'56.710"	-90°10'37.253"	72"φ DOLPHIN
U3	35°06'55.889"	-90°10'37.670"	72"φ TRI DOLPHIN
U4	35°06'55.067"	-90°10'38.088"	72"φ TRI DOLPHIN
G1	35°06'54.799"	-90°10'38.609"	72"φ GUIDE PILE
G2	35°06'53.681"	-90°10'39.178"	72"φ GUIDE PILE
NW C1	35°06'53.317"	-90°10'39.307"	TWR. COLUMN
NE C2	35°06'53.222"	-90°10'39.029"	TWR. COLUMN
SE C3	35°06'52.994"	-90°10'39.145"	TWR. COLUMN
SW C4	35°06'53.089"	-90°10'39.423"	TWR. COLUMN
D1	35°06'52.900"	-90°10'39.190"	72"φ TRI DOLPHIN
D2	35°06'52.078"	-90°10'39.607"	72"φ DOLPHIN
D3	35°06'51.257"	-90°10'40.025"	72"φ DOLPHIN
D4	35°06'50.436"	-90°10'40.442"	72"φ TRI DOLPHIN
D5	35°06'49.614"	-90°10'40.860"	72"φ DOLPHIN
D6	35°06'48.793"	-90°10'41.278"	72"φ TRI DOLPHIN
B1	35°06'53.562"	-90°10'40.409"	72"φ BENT
S1	35°06'57.71"	-90°10'36.26"	UP STREAM BARGE
S2	35°06'48.20"	-90°10'41.31"	DN STREAM BARGE

Attachment 3  
Proposed Barge Docking Area &  
Mooring Structures Configuration  
MVM-2013-365 (RCW)

Path: R:\Cargill\7489-West\_Memphis\GIS\DrawFiles\4-0-0\DecidWetland\_Mitigation\_Options\_4to1\_2013.12.05.mxd jrf/finley 12/11/2013  
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Attachment 4  
Mitigation Proposal  
MVM-2013-365 (RCW)

	Project Area		25-ft Buffer
	Potential Mitigation Site		150-ft Buffer
	Potential Preservation Site		

Scale is 1:6,000 or 1" = 500'

0 500 1,000 Feet




Figure 6  
Conceptual Mitigation Plan  
West Memphis Facility Project  
Cargill Inc.  
Crittenden County, AR