



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-272

NOTICE DATE:
February 19, 2013

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
➡ March 21, 2013

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 & Harbors Act.

APPLICANT:

Mr. Carl F. House
Forcum Lannom Contractors, LLC
350 U. S. Hwy. 51 Bypass S.
Dyersburg, Tennessee 38025
(731) 287-4700

AGENT:

Ms. Margaret Johnson Lee
Brophy-Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134-4538
(901) 373-3289

DESCRIPTION OF WORK: The project consists of constructing approximately 1 mile of railroad track from the existing Illinois Central Railroad line to a proposed industrial facility. The alignment would be approximately 100 feet wide and intersect 2 wetlands within a floodplain forest. The southern wetland located within the alignment is approximately 2.23 acres in size and the northern wetland is approximately 0.21 acres. In order to construct the proposed railroad track, it will be necessary to fill these wetlands with approximately 5,700 cubic feet of earthen fill, topped with approximately 800 cubic feet of rock ballast. The impact to these wetlands requires permit authorization under Section 404 of the Clean Water Act.

MITIGATION: To offset the proposed impacts described above, the applicant proposes to utilize a 9.76 acre area adjacent to the proposed industrial area, which has been excavated in order to obtain earthen fill. This area would be planted with a variety of tree species commonly representative of bottomland hardwood wetlands. Due to the lowered elevation on the site, shallow standing water and saturated soils are common.

PURPOSE: The purpose of this project is to facilitate development of the property by allowing freight to be shipped by rail to and from the new industrial facility.

LOCATION: The project vicinity is northeast of Dyersburg in Dyer County, Tennessee, as shown on the attached map(s). The site is located at latitude 36.06978°/longitude -89.32754° on the Newbern Tennessee 7.5-minute quadrangle map.

COMMENTS: To request additional information, contact Joe Brougher at (901) 544-3472. 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 above. Comments may be sent via mail or E-mail to the following:

U.S. Army Corps of Engineers, Memphis District
ATTN: Joe Brougher
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894
Fax (901) 544-0211
E-mail: joseph.f.brougher@mvm02.usace.army.mil

ENDANGERED SPECIES: No endangered or threatened species or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding 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 reconnaissance survey of the project area. A preliminary records search indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around 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.

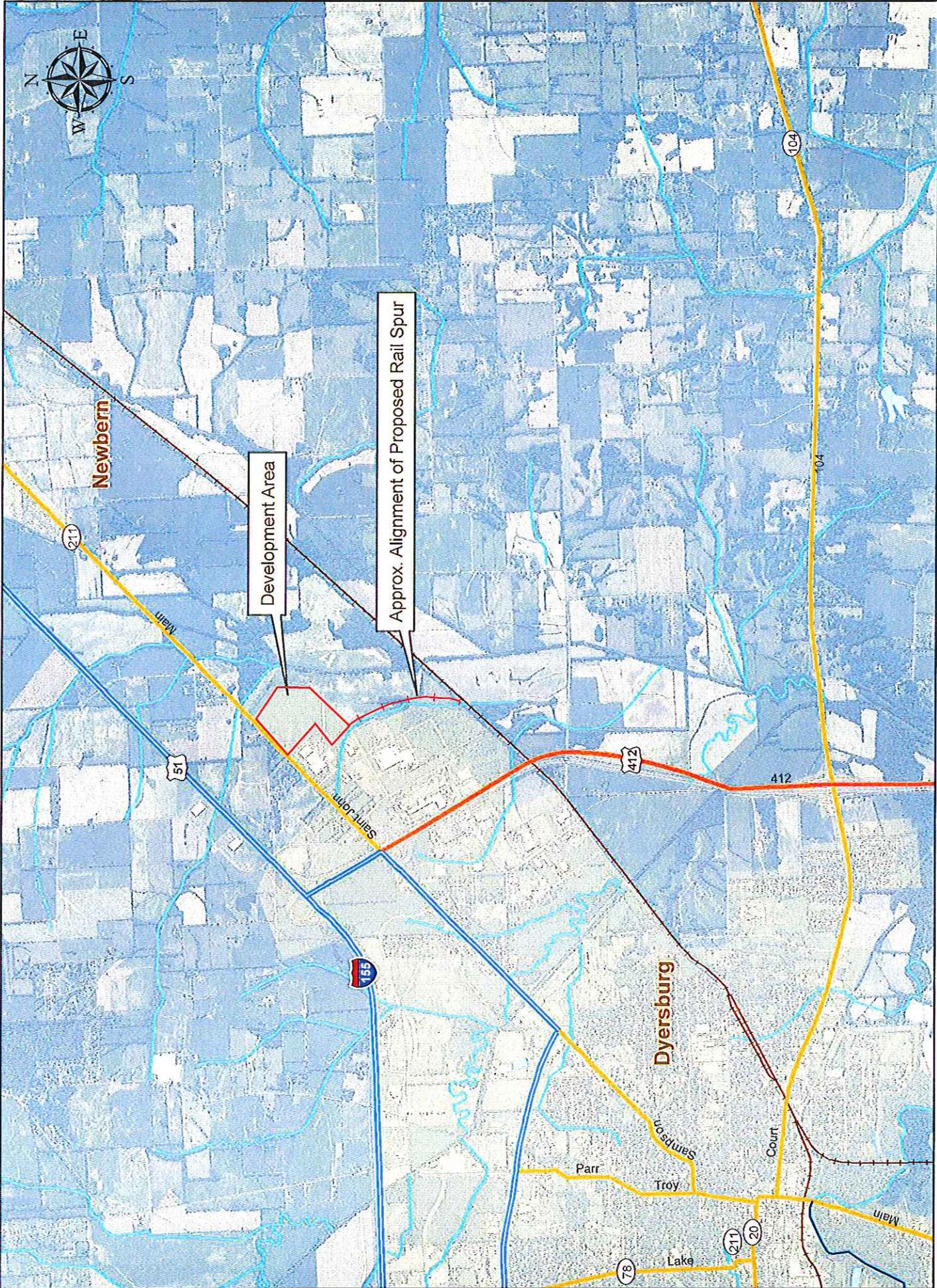
PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine 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.

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.

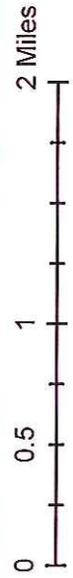


Gregg Williams
Chief
Regulatory Branch



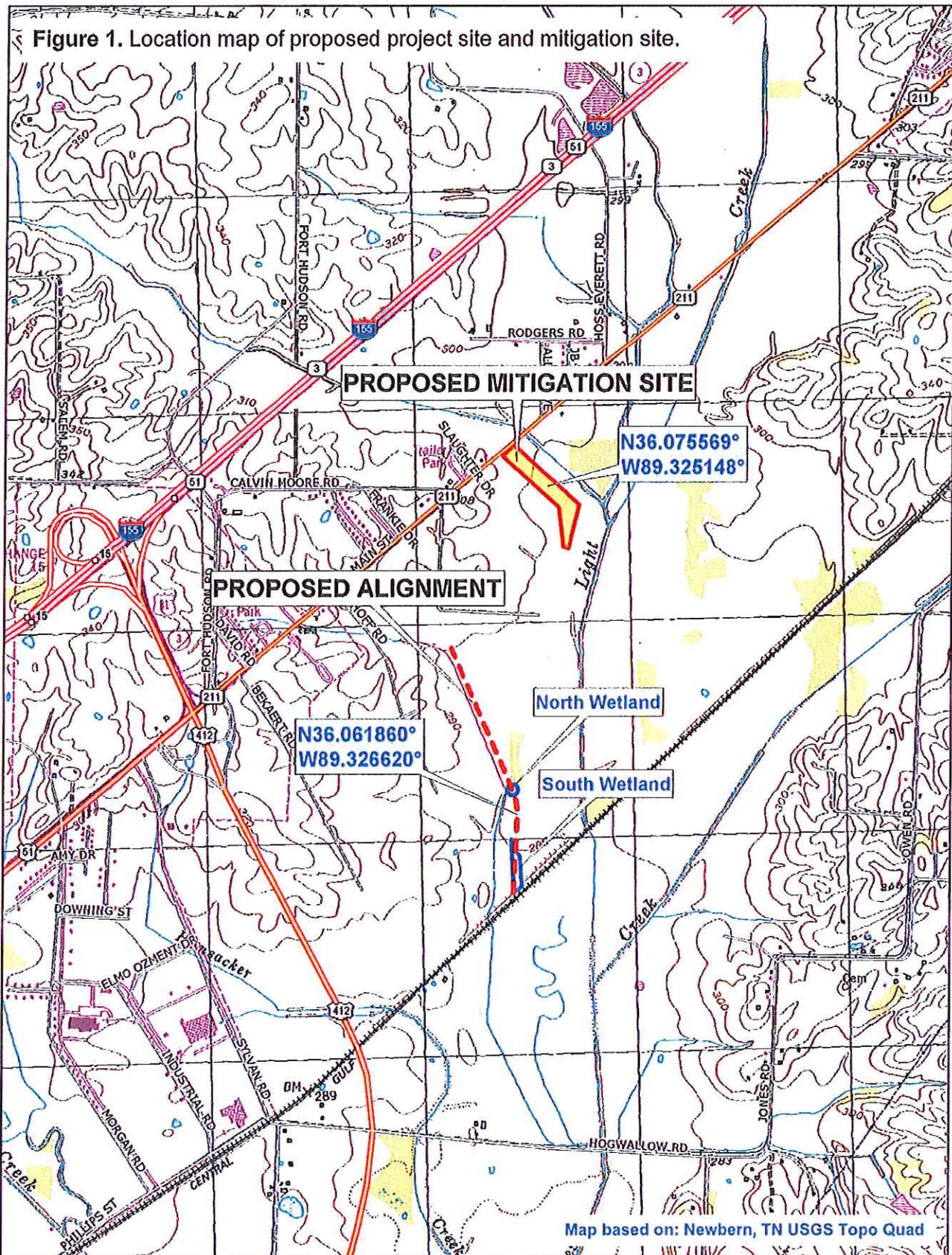
Development Area

Approx. Alignment of Proposed Rail Spur



Vicinity Map
MVM 2012-272

Figure 1. Location map of proposed project site and mitigation site.



Map based on: Newbern, TN USGS Topo Quad

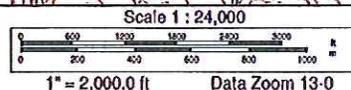
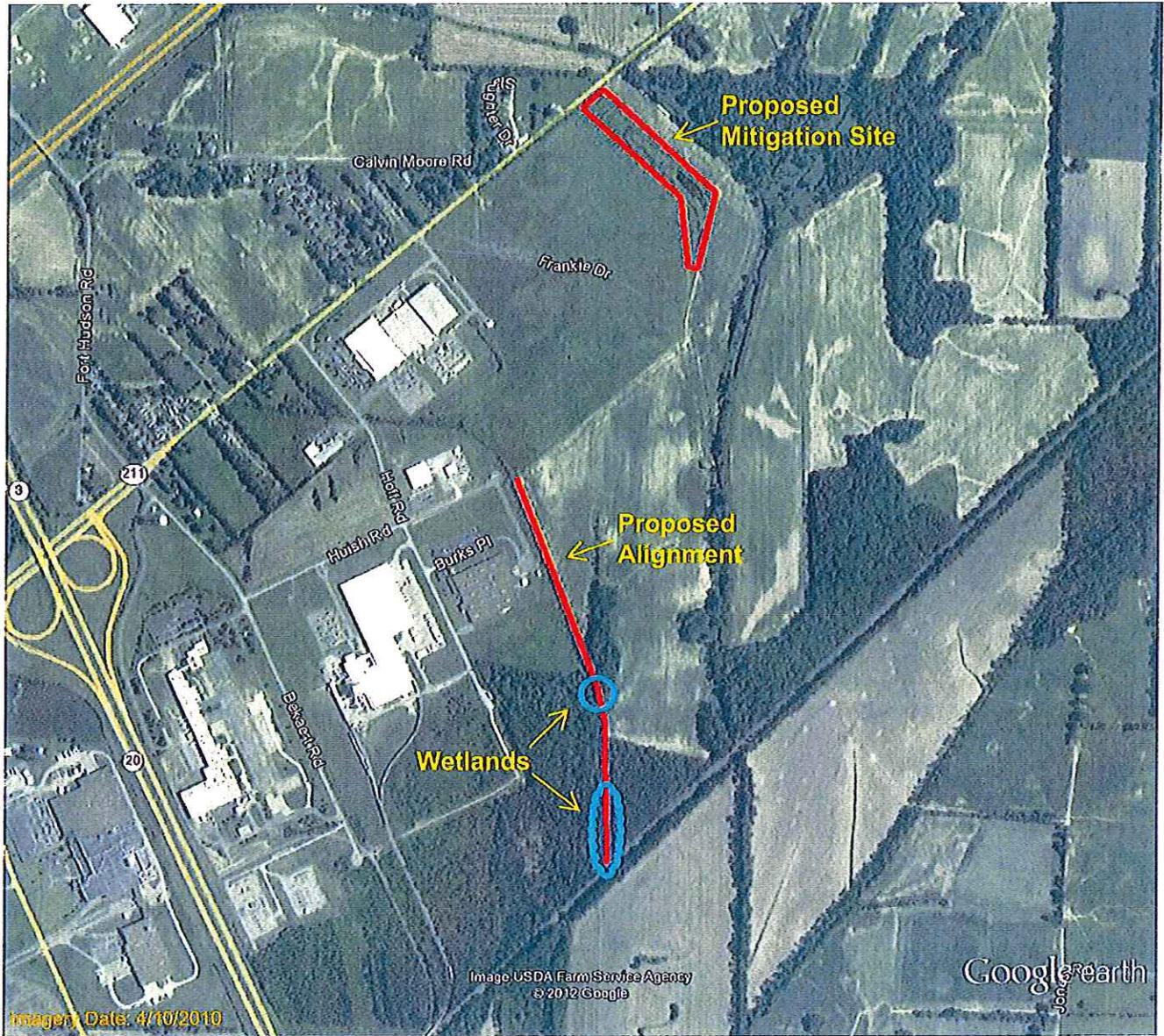


Figure 2. Aerial image of proposed project site and mitigation site.



Google earth



