



US Army Corps
of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-059 (JME)

NOTICE DATE:
May 9, 2012

Attn: Postmaster,
Please Post Until

EXPIRATION DATE:
→ May 30, 2012

Public Notice

U.S. Army Corps of Engineers

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.

APPLICANT:

Mr. J.J. Zmudzinski
Cargill Incorporated
P.O. Box 13368
Memphis, Tennessee 38113
(901) 775-5952

AGENT:

Mr. Brian Yates
Brophy-Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134
(901) 373-3289

PURPOSE: The purpose of the project is to expand rail infrastructure on President's Island. The proposed track would be added to existing track allowing unit trains to operate on President's Island.

LOCATION: The project is located on President's Island and parallel to Harbor Avenue. The western terminus of the proposed rail alignment is near Bouy Street and the northern terminus is near W. Trigg Avenue with approximate coordinates N35.086° / W-90.124° in Memphis, Shelby County, Tennessee. The location of the project is shown on the Fletcher Lake and Southwest Memphis, Tennessee, 7.5-minute USGS topographic quadrangle (Figure 1).

DESCRIPTION OF WORK: Preparation of the site for construction of the new track would consist of clearing, grading, installing sheet pile, drainage, surfacing and the placement of earthen fill. The use of earthen fill would be required to bring the new track to the existing grade of Harbor Avenue. The use of a retaining wall is necessary to avoid an existing sanitary sewer line along select sections of the proposed alignment. Detailed cross-sections of the proposed rail are shown on Figure 2.

The proposed project would permanently impact 0.94 acre of wetlands. Wetlands which would be impacted with the project are shown as Wetland 1- 11 on Figures 3A-D. The eleven wetlands within the proposed alignment are palustrine forest and are composed primarily of sugarberry (*Celtis laevigata*), eastern cottonwood (*Populus deltoides*), sweetgum (*Liquidambar styraciflua*), peppervine (*Ampelopsis arborea*), Virginia creeper (*Parthenocissus quinquefolia*), and white grass (*Leersia Virginia*). The deposition of fill material into waters of the U.S., including wetlands, requires authorization from the U.S. Army Corps of Engineers. It is our preliminary jurisdictional determination that the wetlands within the project site are jurisdictional.

AVOIDANCE/MINIMIZATION: According to the applicant, several alignments were evaluated in efforts to further reduce impacts to jurisdictional wetlands. It was determined that the project as proposed would result in the fewest impacts to wetlands while meeting the overall goals and objectives of the project.

MITIGATION: The applicant proposes to mitigate wetland losses by purchasing credits from the Tennessee Wildlife Federation Statewide Wetland In-Lieu Fee Program.

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 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 nor 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: To request additional information or provide comments on this notice, please contact Mr. Mitch Elcan using the information below:

U.S. Army Engineer District - Memphis
ATTN: Mitch Elcan
167 N. Main Street, Room B-202
Memphis, Tennessee 38103-1894

e-mail: james.m.elcan@usace.army.mil
phone: (901) 544-0737
fax: (901) 544-0211

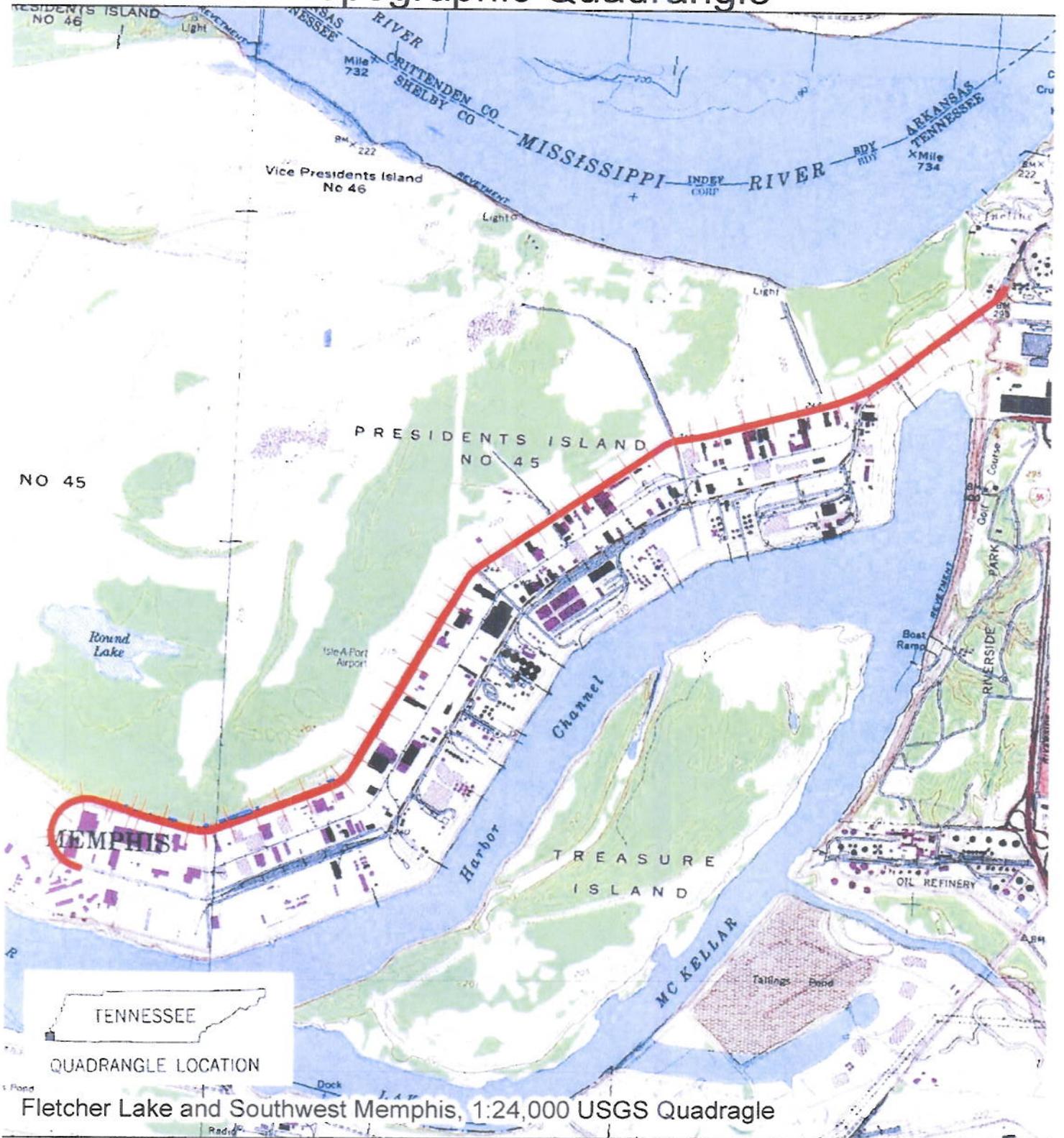
Comments may be sent via mail or e-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.


per Gregg Williams
Acting Chief
Regulatory Branch

Attachments

Figure 1.

Topographic Quadrangle



Fletcher Lake and Southwest Memphis, 1:24,000 USGS Quadrangle

Cargill Rail Extension

Brophy - Heineke & Associates, Inc.

March 30, 2012
Memphis District Corps of Engineers
404/401 Permit Applications



Legend

-  Wetlands
-  Railroad Alignment

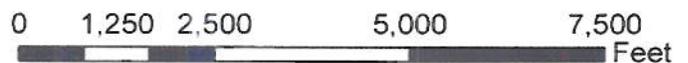


Figure 2.

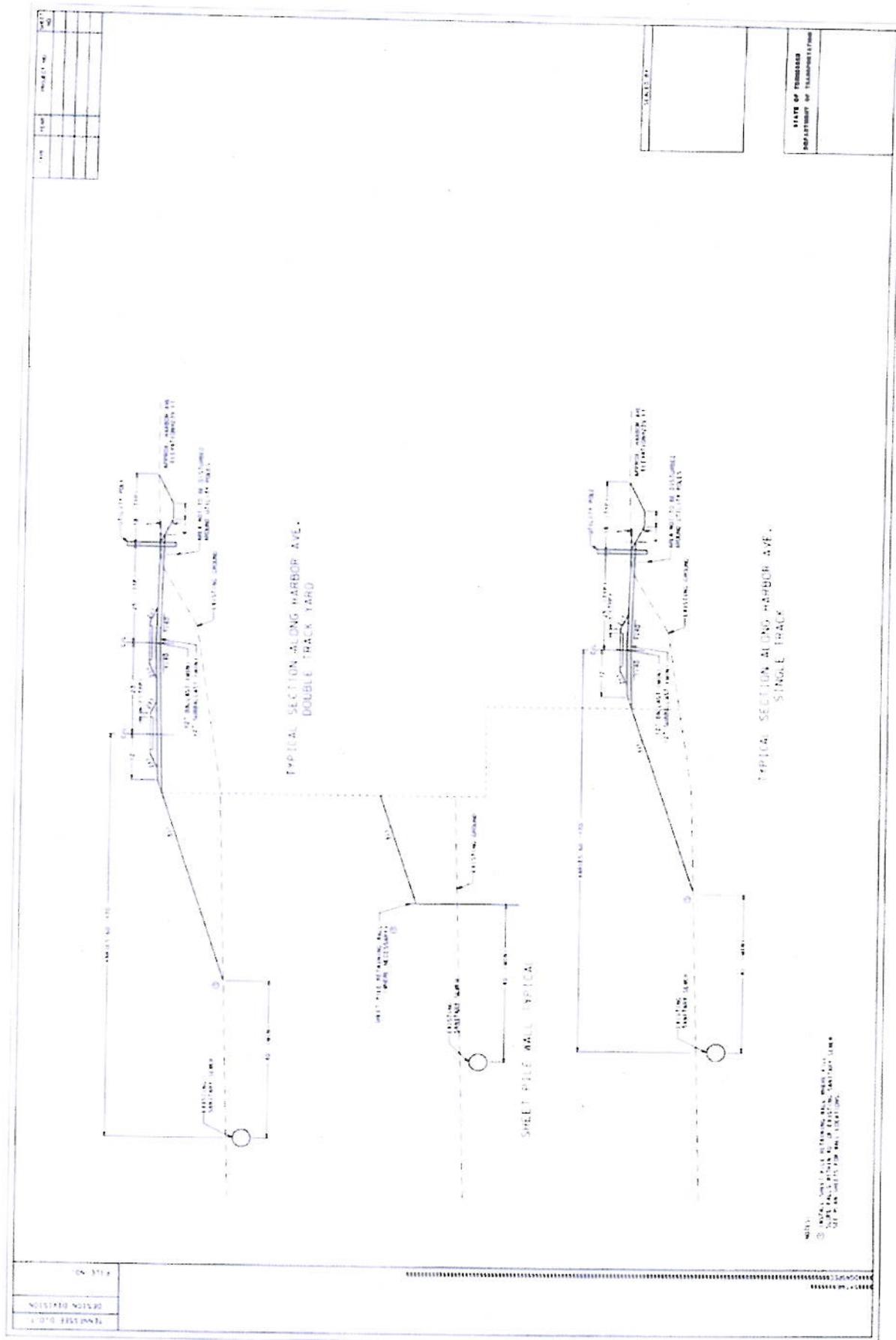
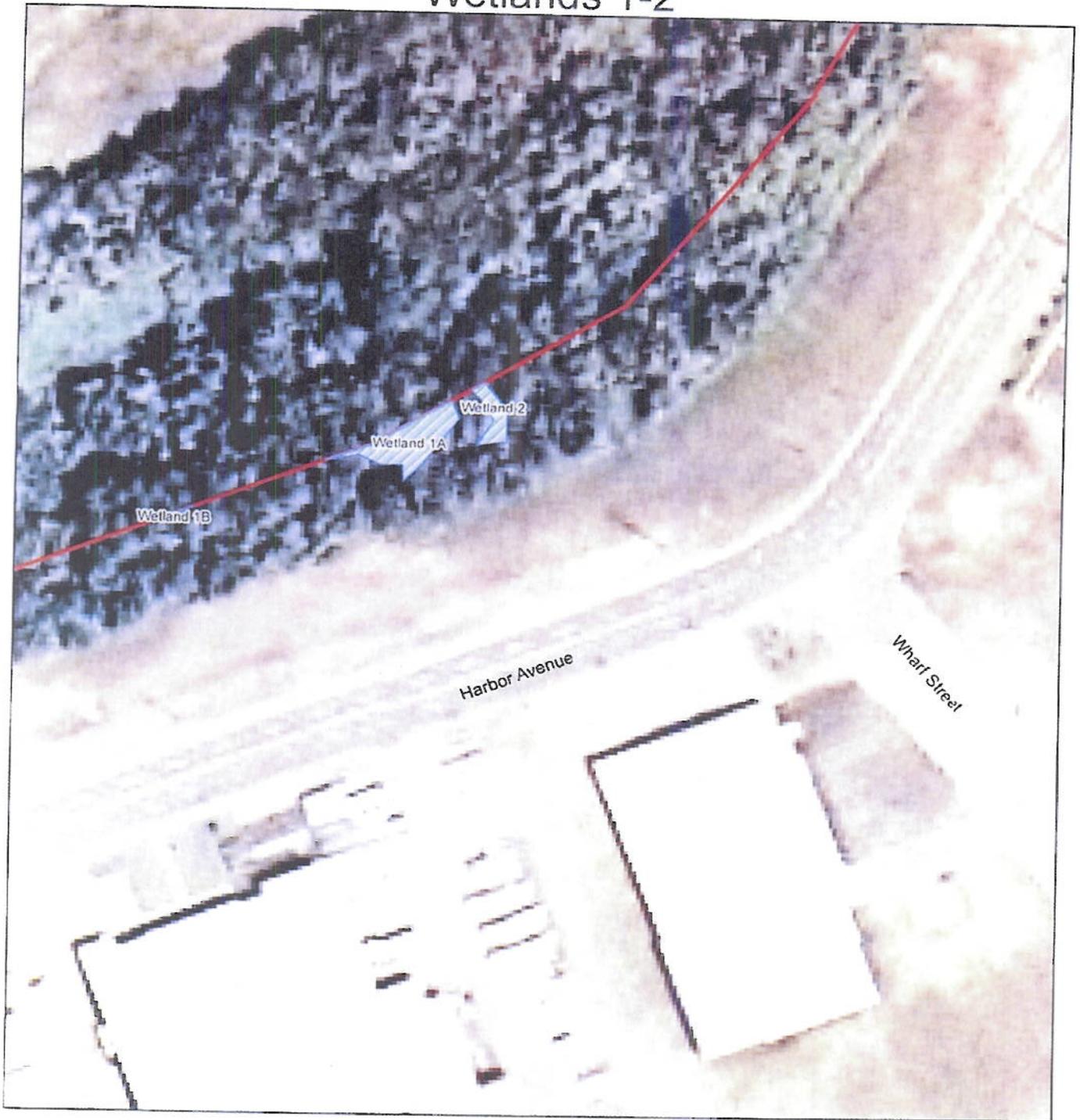


Figure 3A.

Wetlands 1-2



Cargill Rail Extension

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March 19, 2012
Memphis District Corps of Engineers
404/401 Permit Applications



Legend

 Wetlands

 Railroad Slope Limit

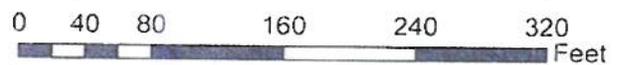


Figure 3B.

Wetlands 3-5



Cargill Rail Extension

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Legend

-  Wetlands
-  Railroad Slope Limit



Figure 3C.

Wetlands 6-8



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Legend

-  Wetlands
-  Railroad Slope Limit



Figure 3D.

Wetlands 9-11



Cargill Rail Extension

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Legend

-  Wetlands
-  Railroad Slope Limit

