US Army Corps of Engineers
Memphis District

Public Notice

FILE NUMBER: MVM 2012-585 (JME)

NOTICE DATE: **January 17, 2013**

Attn: Postmaster, Please Post Until

EXPIRATION DATE: **February 15, 2013**

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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT:
Mr. Christopher J. Foster
Cargill Incorporated
P.O. Box 13368
Memphis, Tennessee 38113
(901) 775-5965

PURPOSE: The purpose of the project is to conduct periodic maintenance dredging to allow adequate depth for barge loading operations during low water conditions of Lake McKellar.

LOCATION: The project is located at 1877 Channel Avenue (Cargill Ag Horizon dock) and 2330 Buoy Street (Cargill Corn Milling dock) on the north bank of Lake McKellar at approximate coordinates latitude 35.0932° and longitude -90.1053° (Cargill Ag Horizon dock), and latitude 35.0801° and longitude -90.134° (Cargill Corn Milling dock) in Memphis, Shelby County, Tennessee. The location of the project is shown on the Fletcher Lake, Arkansas-Tennessee, 7.5-minute USGS topographic quadrangle (Attachment 1).

DESCRIPTION OF WORK: The applicant proposes to conduct maintenance dredging operations at two existing facilities. During each instance of maintenance dredging at the Cargill Corn Milling facility, approximately 1,500 cubic yards of silt and accumulated sediments would be removed by dredge from an area 1,000 feet in length and 35 feet in width as shown on Attachment 2. During each instance of maintenance dredging at the Cargill Ag Horizon facility, approximately 1,000 cubic yards of silt and accumulated sediments would be removed by dredge from an area 300 feet in length and 100 feet in width as shown on Attachment 3. If a hydraulic dredge is used, dredged materials would be disposed of on Treasure Island located in Lake McKellar. If a hydraulic dredge is not used, dredged materials would be disposed of at either the Western Dredge upland disposal area or at APAC's West Memphis, Arkansas disposal site. The location of the disposal locations at Treasure Island and the Western Dredged upland disposal areas are shown on Attachment 4. The location of APAC's West Memphis, Arkansas disposal site is shown on Attachment 5.

If authorized, maintenance dredging activities could occur, as needed, within a ten-year time frame.

The discharge of return water into the Mississippi River (administratively defined as a discharge of dredged material by CFR 323.2(d) and therefore regulated under Section 404 of the Clean Water Act) meets the requirements of Nationwide Permit 16 (Return Water From Upland Contained Disposal Areas), pursuant to the Federal Register Volume 77, Number 34, dated February 21, 2012.

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.

404(b)1 EVALUATION: 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 application is being coordinated with the U.S. Fish and Wildlife Service (USFWS). The Memphis District is aware of interior least tern and avoids dredging in the vicinity of these sites during the nesting season. The pallid sturgeon, *Scaphirhynchus albus*, is known to utilize the Mississippi River and has a spawning season which occurs from April 1 to June 30. The applicant does not anticipate conducting the proposed dredging work during this time. However, if extreme low water conditions occur during this time period necessitating low water dredging activities, the applicant would consult with USFWS on these occasions. Any comments USFWS 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

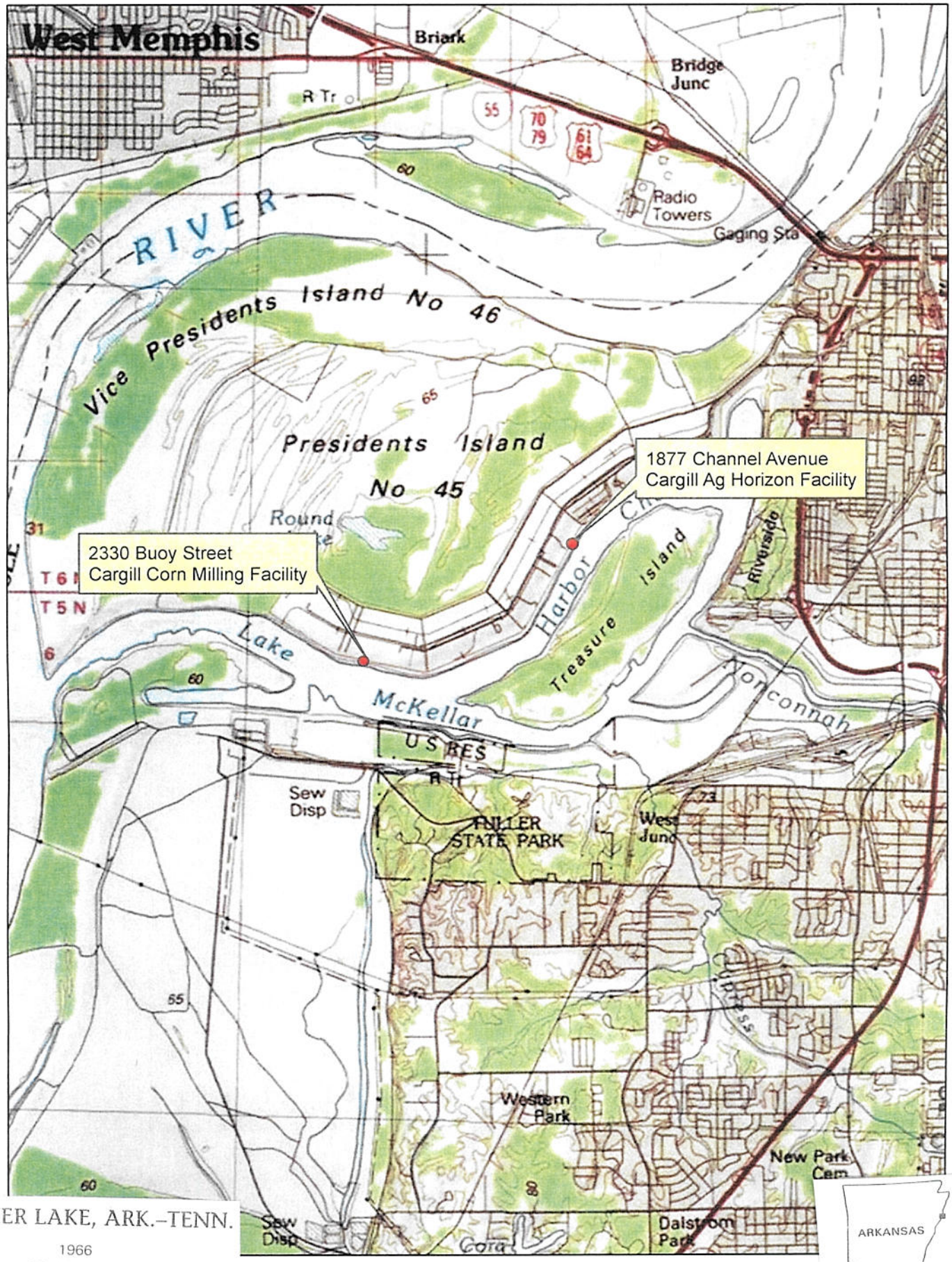
Comments may be sent via mail or e-mail. The Corps may provide copies of all comments, (including name & address of those providing comments) to the applicant for consideration and response prior to a decision. Comments should be received by the expiration date listed on page one of this notice.

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

Attachments

Attachment 1.



FLETCHER LAKE, ARK.–TENN.

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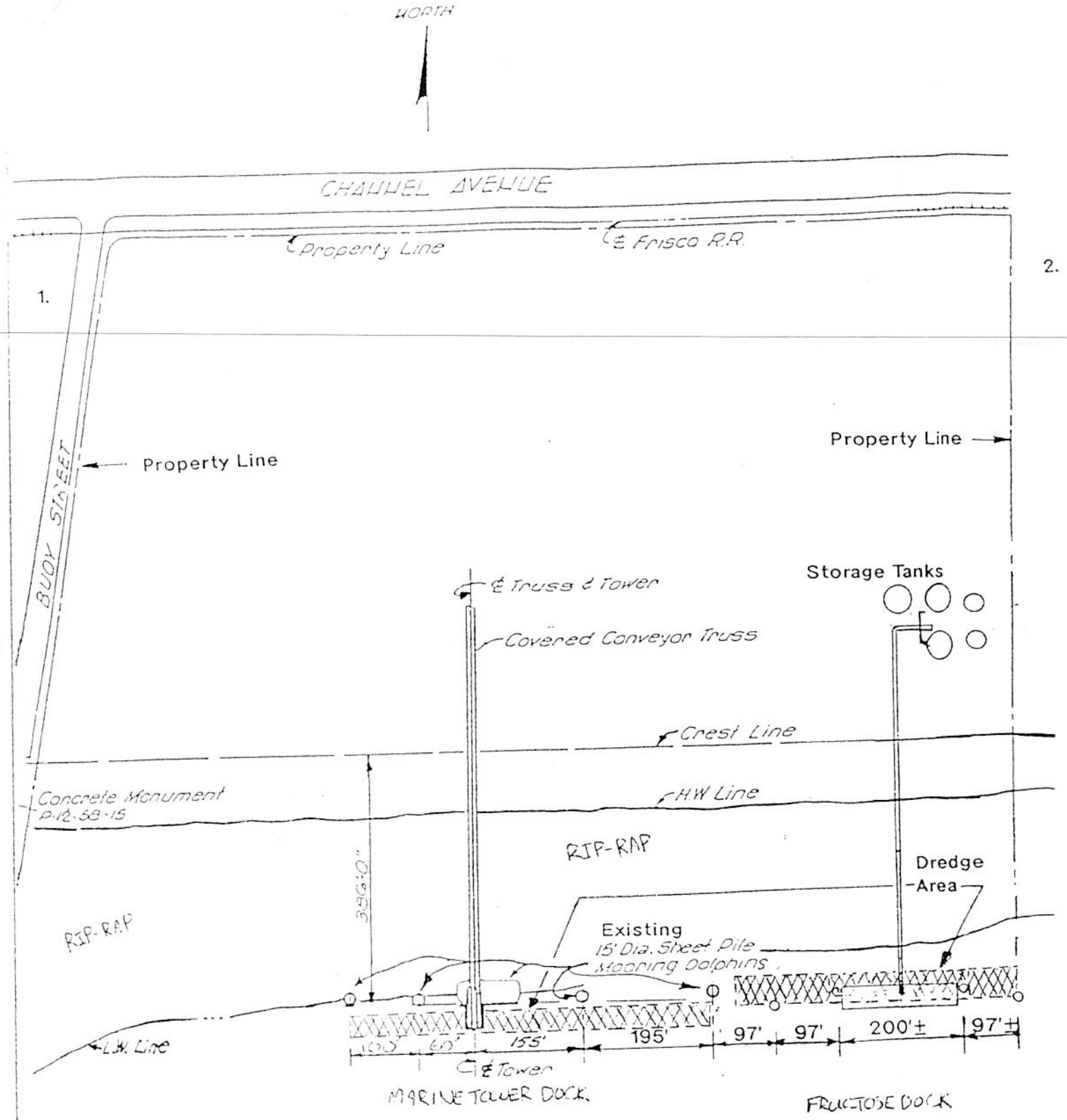


PLAN

Adjacent Property Owners:

1. Chemtech Industries
2. Wepfer Marine

CARGILL, INC.

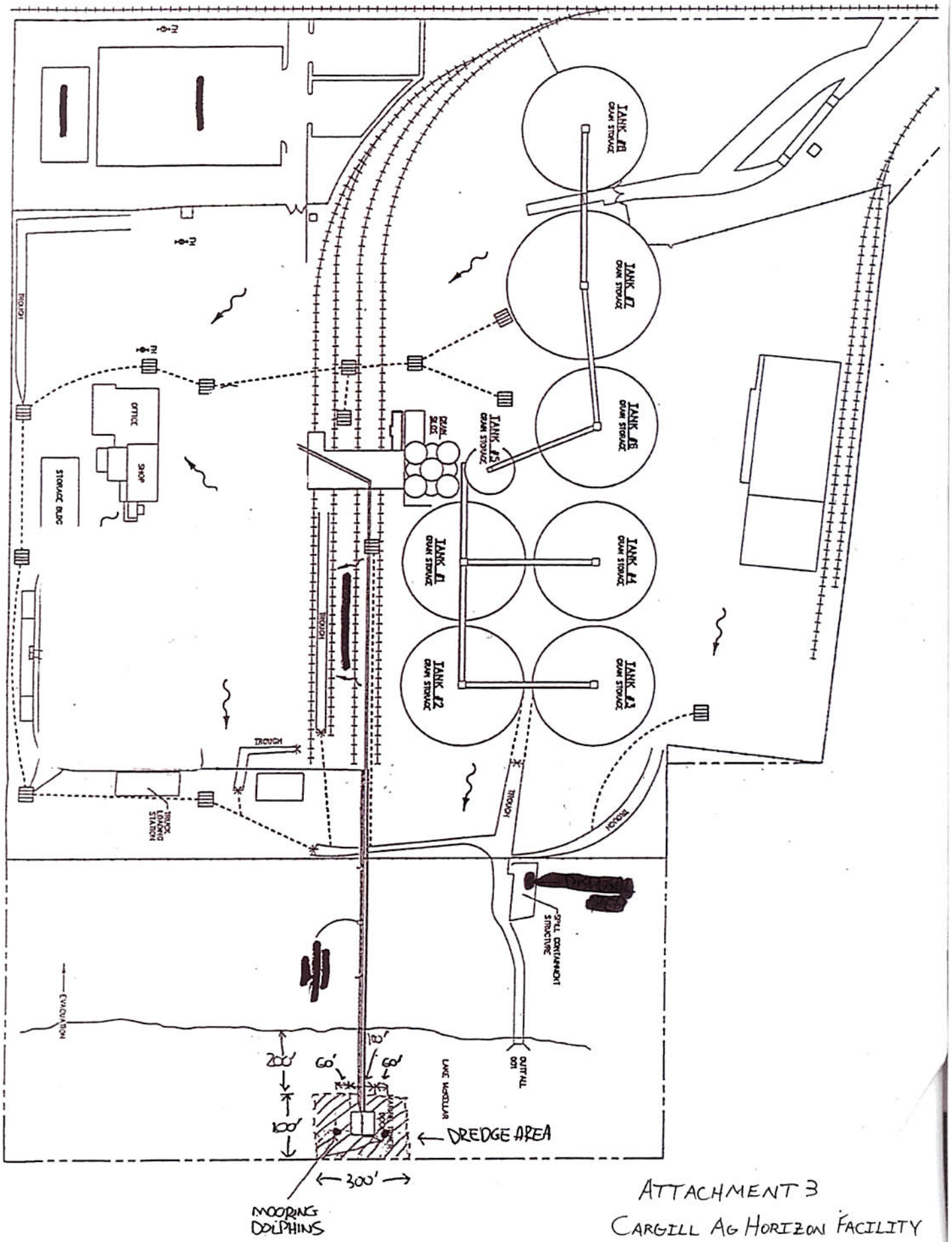
Scale 1" = 200'

Mississippi River, McKellar Lake

Facilit

ATTACHMENT 2

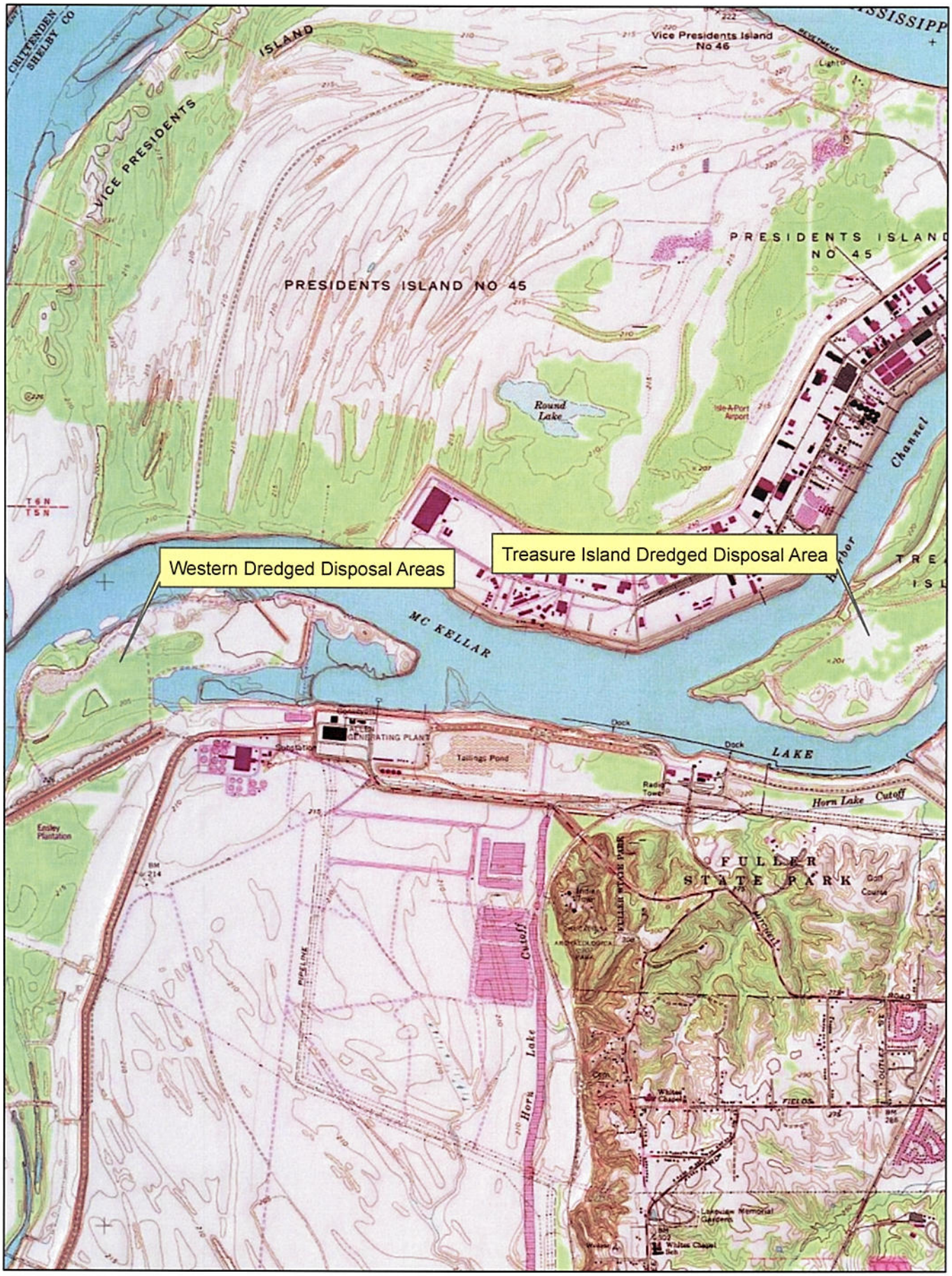
CARGILL CORN MILLING FACILITY



ATTACHMENT 3

CARGILL AG HORIZON FACILITY

Attachment 4.



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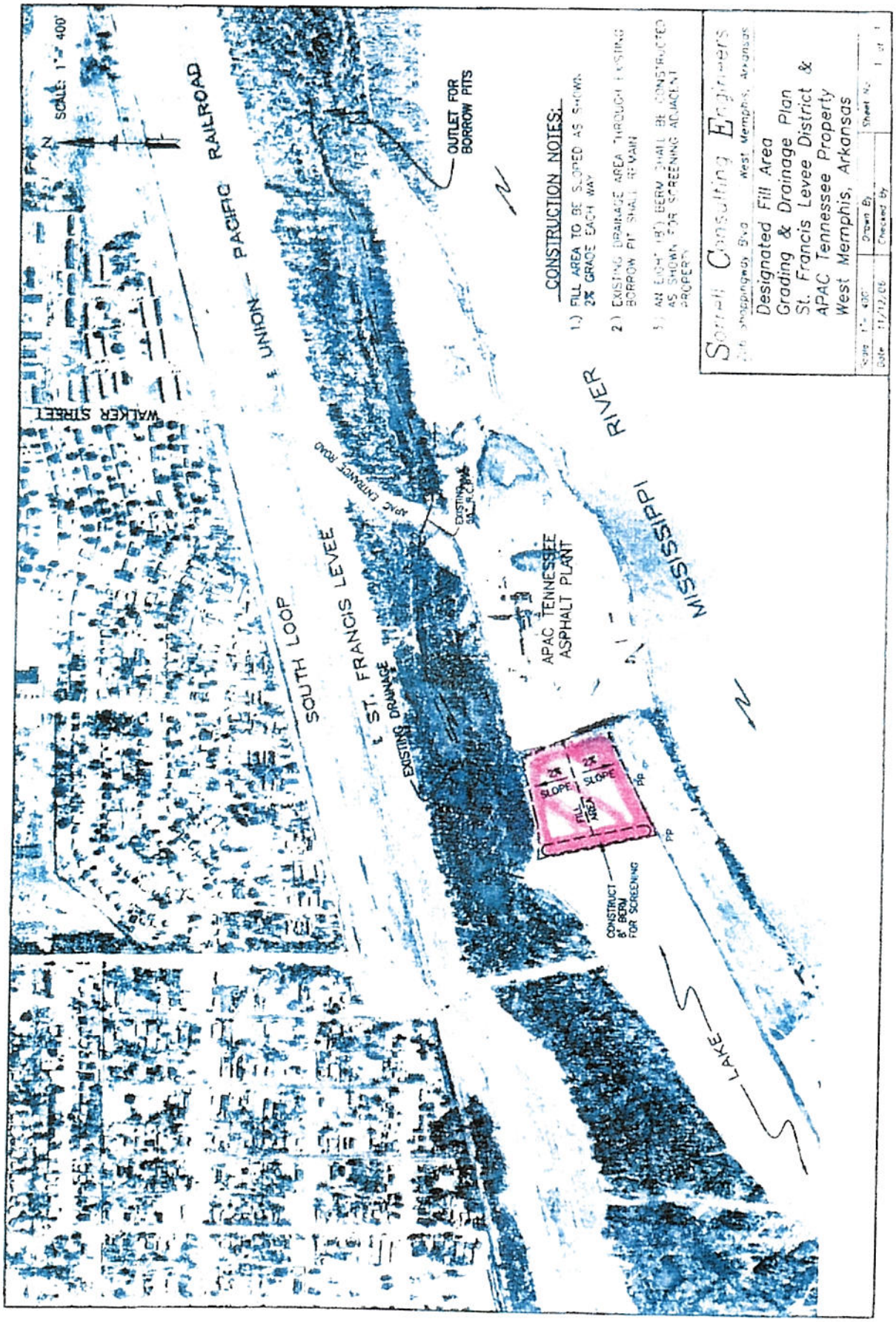
ATTACHMENT 5.